



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

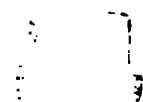
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



780





S. Swithun's Priory. Winchester.



Sain^t Swithun's Priory, Winchester

A

CONSUETUDINARY

Of the Fourteenth Century



FOR THE REFECTORY OF THE

HOUSE OF S. SWITHUN IN WINCHESTER

EDITED BY

G. W. KITCHIN, D. D.

Dean of Winchester.

London :

ELLIOT STOCK, 62, PATERNOSTER ROW.

Winchester :

WARREN AND SON, PRINTERS AND PUBLISHERS, 85, HIGH STREET.

1886.

DA670

H2A3

v.6

pt. 1-2

CONSUECUDINES IN REFECTORIO AB ANTIQVO
VSITATÆ ET APPROBATÆ TAM DE HIJS QUÆ TANGUNT
PRIOREM QUAM CÆTEROS OBEDIENTIARIOS.



Introduction.

THIS Manuscript, a Roll of the 14th Century, contains an account of the obligations of the several officers of the Monastery of St. Swithun in Winchester, in connexion with the Refectory of that House. The document, which is written on two skins of fine white parchment, and is 3 feet 4½ inches long and 11 inches broad, is by no means easy to read. For it not only belongs to a time when the general handwriting was becoming much contracted, but it has also suffered much from careless usage. It probably lay about in the Refectory, was taken up and thumbed by the Monks, curious to learn their own, and, still more, their neighbours' duties, until in some parts the parchment has grown brown, and the writing is here and there almost obliterated; nor has the difficulty of reading it been diminished by the carelessness of some good Brother, who spilt his beer on the back of it.

It is an interesting Roll, throwing light on the usages of the Refectory, and the way in which the daily life of it went on; it also deals incidentally with one or two topographical matters. The Monks' Refectory (which was

distinct from the Prior's great Hall, now the Deanery), stood at the south-west corner of the ancient Cloister, and formed a part of that picturesque group of buildings which is replaced by the Canons' houses on that side; the fine example of Early English groined work in the house now occupied by Miss Heberden was a part of the kitchens of this Refectory. Milner, writing just before the end of the last Century (1798), gives an interesting statement as to this building, portions of which were still standing in his day. "The Refectory," he says, "stands east and west, and projects beyond the south Cloister (*i.e.*, beyond that side of the Cloister which ran from the west wall of the Deanery to the house exactly opposite) to a distance of about forty feet. Two long narrow windows, in the style of Henry IIIrd's reign, are still seen at the east end of the Refectory; as likewise four round-headed windows, partly blocked up, of Walkelyn's work, in its north wall; against which are placed the figures of two large chestnut trees, carved in hard stone and coloured. This hall was forty feet long, twenty-three broad, and nearly forty at its greatest height; being now divided into two stories. At the east end, between the windows, was the celebrated Crucifix, from which a human voice was reported to have proceeded, deciding the controversy between St. Dunstan and the new established Monks, on the one hand, and the ejected Canons on the other. . . . "At a table, on the right hand of the Crucifix, was the Prior's place and that of the invited guests. On the left hand sat the Sub-

be remembered that the revenues of certain estates were assigned to him for the purpose of meeting these calls.

Next comes the Chamberlain, who had to find table cloths, and who was bound to present the keeper of the Refectory (the "Refeclorarian") with a cowl yearly; he kept the keys of the treasury, and provided the Monks' dress. The Sacrist had to send in fifteen wax tapers; the Precentor and his comrades had special places assigned to them on days on which they sang certain offices; the "Placebo" or the "O." The Almoner gives the Refeclorarian a clapper (to serve in lieu of the usual bells) every Thursday before Easter; his servant gathers up the salt at table, doubtless in order to give it out in dole to the poor. It is interesting to note in passing, that at the time of the Napoleonic wars salt was so dear in England, that in some parts of the country clergymen's daughters were wont to do the same thing; they went round the table after dinner with a knife and piece of paper, scraping off the salt that was left on the plates, and afterwards carrying it down as a welcome gift to the cottages in the village. There are also little details respecting the Cook and his underlings; the Gardener with the apples he had to distribute; the Guardian of the Altar of the Virgin Mary, who had to provide wax tapers to burn on high days before the Refectory Cross. We learn also how the Brother in charge of the grass in the Cloister also had to find wax tapers once a year. Then comes the

see was the case here ; these men were often lay persons. The Order felt the office of Cellerar to be so important, that a special service was appointed, with suffrages and prayers, for him. He acted as domestic Bursar, bought provisions, and appointed the pittances of the Brethren. He had to provide meat and drink and divers kinds of food, to produce all the vessels for the cellar, kitchen, and Refectory ; goblets, pots and pans, and necessary furnishing of all kinds ; the main part of the lighting of the Refectory depended on him ; and he received the offerings made to the Cross in the Refectory, so as to be able to purchase what was needful ; verily, he had to be "a discreet man, to give to all their meat in due season" (*Regula S. Benedicti*, chap. xxxi). We read of one very curious item in his duties here : he was entrusted with the care of the "animals acquired from time to time by the Brethren." The age was one in which men took much interest in the animal world ; the paintings of the time, which delighted to portray grand processions of strange beasts ; the authors who described the creatures observed by travellers, whose spirit of adventure had carried them into newly discovered lands ;—these things shew that the later middle ages had a passion for animals. The Monks had, too, a capital chance of picking up queer pets at the great St. Giles' Fair, at which, as we learn from the Charter of Edward III, tolls were levied on ferrets, falcons, apes, bears, geese, and other creatures. The Cellerar had also to look to the lighting of the chandelier in hall, and he provided that curious

item of Maundy-Bread, bread distributed on "Maundy-Thursday," after the footwashing, which formed the special ceremony of that day.

After the Cellarer comes the "Curtarius," for whom we have no English name, though he is the French *Courtier*; our "Courtier," has of course a totally different signification. He also was a kind of Manciple to the House; bread, beer, etc., were given out by him, and the phrase, "a loaf of bread, at the discretion of the Curtarian," is quite common; he also arranged for the "Corrodies" (*i.e.*, the allowance of food, etc., at table) for "Bishops, and kings, and other magnates"; he found bread for dole, supported strangers coming from afar, and looked after any fugitive Monk who, escaping from Hyde Abbey, might take refuge in St. Swithun's. At his discretion he found loaves for the four servants of the Monastery and the four of the City. The duties of the Refectorarian's Valet are also defined: he must provide herbs, fetch beer for the Precentor and his men, look after the table of the Novices, and have their broken victuals as a perquisite. The Porter had to clean out the Hall, and kindle fire on the hearth therein "at snow time"; his perquisites were the old straw litter, and the ashes from the fire; he also had charge of the jugs of the Brethren on that important occasion, the shaving day. And lastly, the "Custos Operum" was bound to keep the whole building in repair.

Other domestic officers, who had no special connection

with the Refectory, find no place in this document: such were the "Infirmarius," who looked after the sick-house; the "Hordarius," the Hordarian or Kitchener, who had to supply all that was necessary for the kitchen; the "Anniversarius," who had charge of the yearly commemorations of the dead; the "Hostiarius" or Guest-Master; and the Prior's "Receptor," estates-bursar, who has left his name and duties to a present officer of the English Cathedrals.

The Roll makes no mention of the heavy items of food, meat and fish: these were provided out of the general funds of the Monastery, and are met with in the general accounts rendered by the Prior's Treasurer.

*Consuetudines in Refectorio ab antiquo usitatæ et appro-
batæ tam de hijs quæ tangunt Priorem, quam cæteros
Obedientiarios. (1)*

I.—Memorandum

Quod Prior inveniet panem et cervisiam vinum et sal in Refectorio.

II.—De Casio.¹

Item, Dominus Prior inveniet caseum, videlicet qualibet ebdomada² unum maynardum (2) ponderis xxxij*li*, quum sit administrator in Refectorio, tum videlicet quolibet die a Pascha³ usque ad Quinquagesimam ante caput⁴ Jejunii, et etiam in ipsa Dominica Quinquagesimæ debet ministrari tam in prandio quam in cœna, exceptis tribus vigiliis, videlicet Assumptionis Beatæ Mariæ, et Omnium Sanctorum, et Nativitatis Domini, et exceptis duobus temporibus quatuor temporum, (3) hoc est, in Septembri ad festum Sancti Michaelis et in Decembri ante Nativitatem Domini. In ebdomada² Pentecostes debet ministrari ut in aliis diebus, et non debet omitti propter jejunium. Item, in Depositione Sancti Swithini idem Prior inveniet unum caseum præter maynardum qui posset⁵ sufficere tam conventui quam Monachis de Hyda. Item, in Translatione ejusdem inveniet duos caseos qui possent⁵ sufficere tam prædictis Monachis et aliis Religiosis, quam Secularibus. Et sciendum quod nullus caseus debet ministrari extra Refectorium nisi ex gratia Refectorarii.

¹ *leg. caseo.*

² *leg. hebdomada.*

³ *leg. Paschate.*

⁴ *leg. caput.*

⁵ It should be possit, possint.

Item, nullus caseus debet ministrari in Refectorio nisi fuerit bonus: quod si aliquis caseus inventus fuerit malus, remittatur a Refectorario ad Saccarium¹ Prioris ut mutetur.

III.—De Butyro in Refectorio, viz. vii libr.

Item, idem Prior inveniet butyrum in Refectorio bis in ebdomada, feria quarta (4) videlicet et in sabato,² a die Sanctorum Philippi et Jacobi usque ad Exaltationem Sanctæ Crucis, excepta vigilia Assumptionis Beatæ Mariæ. In Rogationibus debet ministrari feria ij^{da} et iij^{ta} et iiij^{ta} et sabato³. In ebdomada Pentecostes debet ministrari sicut in aliis ebdomadis.

IV.—De Mattis.

Item, Dominus Prior inveniet novas mattas in Refectorio quolibet anno, videlicet, in Vigilia Omnium Sanctorum.

V.—De Stramenta³ in Refectorio.

Item, Prior inveniet stramentam³ in Refectorio septies per annum, videlicet, ter in hyeme et quater in æstate. In hyeme, et hoc est in Vigilia Omnium Sanctorum, in Vigilia Natalis Domini, et in Vigilia Paschæ.⁴ In æstate, et hoc est in Vigilia Pentecostes, et in Vigilia Sancti Johannis Baptistæ, et in duobus festis Sancti Swythini, Sepulturæ videlicet et Translationis.

VI.—De Camerario. De Cuculla⁵ Refectorarii et de mappis ad mensam.

Camerarius debet invenire quolibet anno ex consuetudine Dominica in Ramis Palmarum unam novam mappam ad

¹ *leg.* Scaccarium, the Prior's exchequer, or store-room.

² *leg.* stramento, stramentum.

⁴ *leg.* Paschatis.

³ *leg.* sabbato.

⁵ *leg.* cuculla.

dignum. (5), et ad cæteras mensas pannos de canabio (6) quotiescunque necesse fuerit, et habebit pro unoquoque panno unum panem conventualem tam pro digno quam pro cæteris mensis. Ipse etiam inveniet veteres pannos ad tergendum siphos¹ argenteos et mureos (7). Ipse etiam in festo Sancti Michaelis debet rectorario unam cucullam (8) secundum antiquam consuetudinem ab antiquo.

VII.—De Sacrista. De cereis ardentibus in hyeme per mensas et de libra ceræ Refectorario.

Sacrista mittet Refectorario per unum de servis Ecclesiæ xv cereos, videlicet, in Vigilia Omnium Sanctorum, qui quidem cerei debent ministrari, quotiescunque necesse fuerit, usque ad diem Jovis Absoluti (9), et serviens ille habebit unum panem conventualem, quem allocabit Curtarius. In die vero Jovis Absoluti eodem modo prædictus serviens portabit cereos ad Refectorium, et habebit unum panem conventualem quem allocabit Curtarius. Item prius (?)² et Sacrista ex gratia sua dimittet ibi veteres cereos ad Refectorium, et habebit illos xv cereos novos qui remanent in Refectorio post illum diem tamen tanquam lumen ad potationem (10), usque ad festum Omnium Sanctorum, quum necesse fuerit. Item, idem Sacrista dabit Refectorario unam libram ceræ ad Purificationem Beatæ Mariæ.

VIII.—De Cantore (11). De Puncardo (12) Præcentoris et sociis suis³ sedentibus secum in duplicibus festis (13) ad secundam collationem (14).

Cantor et socii sui³, qui dominicis diebus et aliis diebus xii hora post Nonam dicunt Placebo (15), habebunt puncardum

¹ *leg. scyphos.*

² This passage is almost gone.

³ *leg. ejus.*

plenum bonæ cervisiæ, hoc est, a Pascha usque ad Exaltationem Sanctæ Crucis, nisi cappæ vel albæ (16) impedierint, et post Exaltationem Sanctæ Crucis usque ad festum Omnium Sanctorum in Dominicis diebus, nisi aliqua festa impedierint. Item, in omni duplici festo idem Cantor et socii sui, videlicet qui faciunt O (17), ad secundam collationem sedere debent juxta hostium¹ Refectorii et habebunt unum picherium (18) vini et puncardum plenum bonæ cervisiæ. Item, omnibus diebus sabati² eodem modo fiet; vinum tantum non habebunt, et quicquid residuum fuerit penes Refectorarium morabitur.

IX.—De Eleemosinario.³ De signo (19) Refectorarii in die Jovis Absoluti.

Eleemosinarius dabit Refectorario unum signum in die Jovis Absoluti, et serviens illius omni sabbato per annum colliget sal hora prandii in Refectorio. Item, idem serviens colliget sal in die Jovis Absoluti statim post prandium; tamen inveniet in crastino conventui sal hora prandii et in die sabati sequentis.

X.—De Coquinario. De puncardo Coquinarii.

Coquinarius accipiet cotidie cibum cum succoquibus et sedebit in digno et habebit puncardum. Si vero comedit⁴ extra, assignabit unum de succoquibus quem voluerit in loco suo.

XI.—De Gardinario (20). De pomis Refectorarii in Adventu et Quadragesima.

Gardinarius inveniet poma in Adventu et Quadragesima, videlicet, feria secunda et iiiij^{ta} et vj^{ta}, nisi aliquod festum im-

¹ *leg. vatium.*

² *leg. sabati.*

³ *leg. Eleemosynario.*

⁴ *leg. comederit.*

pedierit. Ita tamen quod Supprior, tertius Prior, et quartus Prior,¹ si fuerit, habebunt x. Refectorarius vero eodem modo. Multi (?) vero obedientiarii percipient eodem modo qui non nominantur. Prior vero, si fuerit, habebit xv. Secundus x. Tertius habebit viij; et prædictus Gardinarius habebit primo die Adventus et ultimo die Adventus, et primo die Quadragesimæ et ultimo die ejusdem unum panem conventualem de allocatione Curtarii. Eodem modo fiet in die Sancti Jacobi pro benedictione pomorum, et debent ministrari per mensas sicut in Adventu vel Quadragesima.

XII.—De Custode Altaris Beatæ Mariæ. De cereis ardentibus coram cruce in medio Refectorii coram lectore in die Jovis Absoluti.

Custos altaris beatæ Mariæ debet inveniri² cereum unius libri³ in die Jovis Absoluti ad collationem. Idem etiam inveniet unum cereum j libri³ in die Paschæ,⁴ et alium⁵ ejusdem ponderis in Inventione Sanctæ Crucis, et tertium⁶ ejusdem ponderis in Exaltatione ejusdem pro quodam tenemento in Cheshulle (21), ut in carta Johannæ filiæ Agathæ de Wynton continetur.

XIII.—De Custode Herbagii in claustro. De cereo unius libri³ ardente coram cruce in Inventione Sanctæ Crucis.

Custos herbagii in Claustro inveniet cereum unius libri³ in Inventione Sanctæ Crucis, ac debet accendi ad primas vespas et ardere quamdiu durare poterit.

¹ This passage is almost entirely obliterated.

² *leg.* invenire.

³ *leg.* libræ.

⁴ *leg.* Paschatis.

⁵ *leg.* aliam.

⁶ *leg.* tertiam.

**XIV.—De Refectorario. De septem Ramis ardentibus
ad pedem Crucis.**

Refectorarius inveniet vij Ramos ardentis ad pedes crucis pro quodam reddito decem et octo denarios¹ in Wynhale (22) juxta ecclesiam, in parte Australi, de dono Rogeri de Wynhale, videlicet, in die Exaltationis Sanctæ Crucis recipiendos,² et de custode Altaris beatæ Mariæ de Hyda xvij denarios Altari Sanctæ Crucis percipiendos pro quodam reddito in Parchemer-strete (23) de dono Galfridi le Barbour in parte Australi fere ad finem vici illius versus muros civitatis; tamen carta Galfridi non loquitur de illo vico sed de vico qui dicitur Fleshmonger-strete, (24) secundum quod ignoratur de tenemento prædicti Galfridi an fuerit in uno vico an in alio. Secutum (?) est tenere tenementa quæ sunt in Parchemer-strete, sicut ordinatum est per prædictos custodes. Et notandum quod illi vij rami nunquam ardebunt ad prandium, sed in omni sabato³ ad secundam collationem, et similiter in omni duplici festo ad secundam collationem.

XV.—De Scipho⁴ Sancti Athelwoldi.

Item, Refectorarius portabit ciphum⁴ Sancti Athelwoldi in Depositione ejusdem Sancti in Refectorio tempore prandii cum pichicherio⁵ vini, et osculato eo ibi a ceteris fratribus portabitur ad infirmariam, videlicet ad mensam munitorum⁶ (25) et ad mensam infirmorum; Tamen quia nullus infirmus solebat abesse qui capellam potuit adire et divinorum servitium (26) audire; muniti⁶ vero eodem modo omnes solebant interesse. Postea portabitur ad aulam Prioris, (27) et, osculato eo ibi a Priore et a ceteris fratribus et ab honoratis viris, remcat⁷ ad Refectorium; et Refectorarius habebit secundum pichicharium⁵ vini de

¹ *leg.* denariorum. ² *leg.* recipiendorum. ³ *leg.* sabbato. ⁴ *leg.* scypho, scyphum.

⁵ *leg.* picherio, picherium. ⁶ *leg.* minutorum, minuti. ⁷ *leg.* remeabit.

dono Curtarii cum servitoribus pransuris, si voluerit. Item, Refectorarius colliget cotidie post prandium cochlearia. Item, idem Refectorarius colliget cultellos fratrum post prandium in Refectorio in die Jovis Absoluti ad mundandum cum pannis et salariis,¹ ut mundi et pulchri restituantur prædictis fratribus in Vigilia Paschæ²; et notandum quod ista vasa prædicta debent mundari sumptibus Prioris per manus Thesaurarii sui, videlicet, *iiij*℥. Curtarius allocabit unum panem conventualem pro illa mundatione.

XVI.—De XV Cereis.

Item, idem Refectorarius inveniet XV cereos ad unam perticam (28) pendentem coram cruce in die Jovis Absoluti ad collationem. Item, idem Refectorarius inveniet lumen ad potationem, quando necesse est, usque ad festum Omnium Sanctorum, ut superius dictum est de Sacrista.

XVII.—De Celerario. (29)

Celerarius debet comedere cum conventu, et sedere in ultimo gradu secundum antiquam consuetudinem in parte Australi, et ministrare servitoribus in secunda refectione. Ipse etiam inveniet lumen nocte et die jugiter ardens coram cruce: similiter et totum lumen, videlicet, cereorum et candelarum ad Ecclesiam in die Jovis Absoluti, præter unam perticam. Si vero voluerit invenire cereos ad coronam juxta illam perticam, tunc ponantur ibi cerci qui stare solebant super mensas. Ipse etiam reparabit omnia vasa in Refectorio, videlicet, discos argenteos, salsaria argentea, cochlearia argentea, ciphos³ argenteos, et ciphos³ murrinos, duas campanas in digno, tertiam

¹ *leg.* salariis.

² *leg.* Paschatis.

³ *leg.* scyphos.

juxta hostium,¹ et cordas eorum, omnes coronas et cordas eorum. Item, pelvem (30) in qua portantur cippi² argentei et cochlearia ad dignum. Item, tres pelves pendentes coram cruce et cordas eorum, et cetera quæ necessaria sunt ad usum conventus, quia habet omnes illos redditus qui aliquando dabantur Sanctæ Cruci in Refectorio ad honorem Dei. Similiter et animalia a diversis fratribus per multa tempora acquisita. Refectorarius vero vel³ habebit nisi tantum unam cucullam⁴ de Camerario, et unam libram ceræ, et residuum XV cereorum de Sacrista, sicut⁵ superius dictum est.

XVIII.—De Septem Ramis.

Septem Rami tantum ardebunt in omnibus sabati⁶ diebus ad secundam collationem; similiter et in duplicis⁷ festis ad secundam collationem fiat, sicut⁵ superius dictum est.

XIX.—De tribus pelvibus coram Cruce pendentibus.

Tres pelves coram Cruce ardebunt in omni duplici festo ad secundam collationem, et in crastino tempore prandii. Item, ardebunt omni sabato⁶ ad secundam collationem. Item, ardebunt tempore prandii, quando ligatur⁸ ordo clericalis. Item, in die Parasceues tempore prandii. Item, in Inventionem Sanctæ Crucis et Exaltationem ejusdem, tempore prandii.

XX.—De panibus qui pertinent ad Mandatum (31).

Nullus panis debet ministrari mandato die Jovis Absoluti, quia solempnitas facta est in claustro a toto conventu.

¹ leg. ostium.

² leg. scyphi.

³ leg. nil.

⁴ leg. cucullam.

⁵ leg. sicut.

⁶ leg. sabbati.

⁷ leg. duplicibus.

⁸ leg. legatur.

XXI.—De Curtario (32). De consuetudinibus allocandis in compoto (33) Refectorarii coram Curtario.

Curtarius allocabit Refectorario in compoto suo omnes consuetudines quæ subsequuntur. Subprior quodcumque comederit in camera sua habebit duos panes præter panem suum, vel si in Infirmaria comederit, aut si Infirmus fuerit. Si vero comederit in aula Prioris, tunc habebit panem suum tantum ; si autem devillaverit eodem modo.

Tertius Prior et quartus Prior si fuerit celarius,¹ habebunt tertia die municionis² sicut subprior: cæteri vero fratres habebunt dimidium panem.

Servitores habebunt duplicem in tribus primis diebus Nativitatis Domini et in primis tribus diebus Paschæ,³ et in tribus primis diebus Pentecostes tam in pane quam in coquina et cervisia.

Curtarius allocabit omnia corrodia (34) episcoporum et Regum et aliorum magnatum. Item, Curtarius allocabit unum panem quotiescunque Sacrista miserit oblata (35) ad digitum (?). Item, Curtarius allocabit omnes ceras in digitum (?) Item, allocabit unum panem coquis coquinæ conventus pro ~~dotwel~~ (36). Item, allocabit unum panem pro fragmentis, (?)⁴ quæ portantur ad digitum (?) in die Nativitatis Sancti Johannis Baptistæ. Item, mundatores Refectorii contra Pascha habebunt duos panes. Si aliquis Monachus de Hyda fuerit vocatus ab aliquo fratre, administretur ei de omnibus sicut uni de Conventu. Item, si aliquis Monachus ejusdem domus fugerit ad nos tanquam ad refugium pro aliquo delicto, administretur ei de omnibus sicut uni de Conventu, usque ad reconsiliationem⁵ suam.

Item, si aliquis oспes,⁶ sive Religiosus sive secularis, fuerit

¹ leg. Cellarius.

² leg. minutionis.

leg. Paschatis.

⁴ The word in the MS. is frang.

⁵ leg. reconciliationem.

⁶ leg. hospes.

invitatus a prelato et comederit in dignitate (?) etiam administrabitur ei de omnibus sicut uni de Conventu.

Si patres vel matres nostræ, fratres nostri vel sorores nostræ de remotis partibus venientes visitaverint nos, administrabitur eis per tres dies sicut uni de Conventu tam in pane quam in coquina et cervisia, hoc est, ter per annum, si tociens¹ venerint. Item, si aliquis frater acceperit potionem pro aliqua ægritudine, habebit tria libra (37)² de allocatione Curtarii. Item, allocet unum panem pro quolibet panno ministrato ad mensas, sicut superius de Camerario dictum est. Item, allocet unum panem pro locione³ justarum (38) in die Rasturi (39),⁴ sicut inferius de Hostiario⁵ dicitur.

XXII.—De quattuor Servientibus Ecclesiæ. De quattuor Servientibus Civitatis.

Item, quattuor servientes Ecclesiæ habebunt in omni duplici festo quattuor panes conventuales de allocatione Curtarii. Item, quattuor servientes de villa viij panes conventuales ad Pascha et viij ad Pentecosten et viij ad Nativitatem Domini.

XXIII.—De Valecto Refectorarii.

Valectus qui obsequitur Refectorario percipit cotidie medietatem panis conventualis et dimidiam lagenam bonæ cervisiæ. Ipse vero in die Vigiliæ, quum Conventus jejuniat, ad collationem ab Inventione⁶ usque ad Exaltationem ejusdem in loco specierum inveniet salgiam mentam et persilium, (40)⁷ et

¹ leg. toties.

² leg. tres libras.

³ leg. lotionem. ⁴ leg. rasure. ⁵ leg. Ostiario. ⁶ add. Sanctæ Crucis.

⁷ leg. sicut, salsamenta et petroselinum; aut salviā, menthā, et petroselinum.

habet de Celario¹ pynardum (41) plenum bonæ cervisiæ. Item, idem Valectus omnibus diebus Dominicis et etiam in xij horis ab Inventionem Sanctæ Crucis usque ad Exaltationem ejusdem post Nonam queret² de Celario¹ pynardum plenum bonæ cervisiæ pro cantore et sociis suis dicentibus in coro³ Placebo; ab Exaltatione vero Sanctæ Crucis usque ad festum Omnium Sanctorum Dominicis diebus omnibus sicut superius dictum est de Cantore. Item idem quæret : am⁴ noviciorum, et habebit eorum fragmenta, secundum quod antiquitus solebat fieri.

XXIV.—De Hostiario.⁵

Hostiarius⁵ percipiet cotidie quartam partem panis conventualis, exceptis vigiliis quando Conventus jejuniat, et exceptis Rogationibus et Quadragesima, et tunc percipiet medietatem panis conventualis. Ipse mundabit Refectorium Conventus contra Pascha, et habebit vetus stramentum. Similiter faciet ignem in Refectorio tempore nivis, et habebit cineres. Ipse etiam custodiet hostium⁶ Refectorii per totum diem justarum et lavabit Justas singulorum fratrum in die Rasturæ, et habebit unum panem conventualem, sicut superius dictum est de Curtario.

MAGISTER OPERUM REPARABIT TOTAM DOMUM.

¹ *leg.* Cellario ² *leg.* quæret. ³ *leg.* choro. ⁴ *forte leg.* mensam.
⁵ *leg.* Ostiario. ⁶ *leg.* Ostium

Translation.

Usages in the Refectory practised and approved from old time, as regards both the Prior and the other Officers.

I.—Memorandum.

The Prior is to provide bread, beer, wine, and salt in the Refectory.

II.—Of Cheese.

The Lord Prior shall provide cheese, viz., a “Maynard” of 32lb every week, when he is administrator in the Refectory, *i.e.* daily from Easter to Quinquagesima before Ash Wednesday, and on Quinquagesima Sunday also, it is to be supplied at dinner and supper, but not on the three Vigils, viz., that of the Assumption of the B.V.M., that of All Saints Day, and that of Christmas; nor on the two of the four Ember weeks, *i.e.*, that of Michaelmas and that in December before Christmas. In the Whitsun week cheese is to be supplied as on other days, and is not to be omitted because of the fast.

Item: on the Deposition of St. Swithun the Prior aforesaid shall provide one cheese beside the “Maynard,” large enough for both the Convent and for the Monks of Hyde. *Item*: on the Translation of the said Saint he shall provide two cheeses enough for both the aforesaid Monks and other Religious persons and for lay folk. And be it known that no cheese should be supplied outside the Refectory save by favour of the Refectorian. *Item*: no cheese should be supplied in the Refectory unless it be good; and if any cheese be found bad it is to be returned by the Refectorian to the Prior’s Storehouse to be changed.

III.—Of Butter in the Refectory, viz., 7lb.

Item; the said Prior shall provide butter in the Refectory twice a week, on Wednesdays and Saturdays, from SS. Philip and James' Day to the Exaltation of the Holy Cross, save on the Vigil of the Assumption of the B.V.M. On Rogation Days it should be supplied on Monday, Tuesday, Wednesday, and Saturday. In Whitsun-week it should be supplied just as in other weeks.

IV.—Of Mats.

Item; the Lord Prior shall provide new mats in the Refectory each year, viz., on the Vigil of All Saints Day.

V.—Of Straw-litter in the Refectory.

Item; the said Prior shall provide straw-litter in the Refectory seven times a year, viz., thrice in winter and four times in summer. In winter, on the Vigils of All Saints Day, of Christmas, and of Easter; in summer, on the Vigils of Whitsunday and of St. John Baptist, and on the two Feasts of St. Swithun, that of his Burial and that of his Translation.

**VI.—Of the Chamberlain. Of the Refectorarian's Cowl,
and of Cloths for the Table.**

The Chamberlain ought, according to usage, to provide each year on Palm Sunday one new cloth for the High Table, and canvas cloths for the other tables as often as may be necessary; and for each cloth he shall have a conventual loaf, for both the High Table and the other tables. He shall also find old cloths to cleanse the silver and the murrhine vessels. He is also bound to provide the Refectorarian with a cowl, according to ancient use, on Michaelmas-day.

VII.—Of the Sacrist. Of tapers burning in winter along the tables, and of the pound of wax for the Refectorarian.

The Sacrist shall send the Refectorarian, by one of the servers of the Church, fifteen wax tapers, viz., on the Vigil of All Saints Day ; and these tapers ought to be supplied as oft as may be needful, down to Absolution-Thursday (Maundy-Thursday), and the server is to have a conventual loaf at the discretion of the Curatarian. On Absolution-Thursday in the same way the said server shall carry wax tapers to the Refectory, and shall have a conventual loaf at the discretion of the Curatarian. *Item* ; . . . and the Sacrist, of his own goodwill, shall there send away the old wax tapers to the Refectory, and shall have those fifteen new ones which remain in the Refectory after that day, only as light at "drinking-time," down to the Feast of All Saints, when necessary. *Item* ; the said Sacrist shall give the Refectorarian a pound of wax at the Purification of the B.V.M.

VIII.—Of the Precentor. Of his "Punchard," and of his comrades who sit with him on double Feasts at the second Collation.

The Precentor and his fellows, who, on Sundays and other days, at twelve o'clock after None say the *Placebo*, shall have a "punchard" full of good beer, viz., from Easter to the Exaltation of Holy Cross, unless hindered by feasts celebrated with copes or albs ; and after the Exaltation of Holy Cross to All Saints' Day, on Sundays, unless any festivals should hinder. *Item* : on every double feast the Precentor and his fellows, viz., they who do the great O, shall sit at the second Collation near the Refectory door, and shall have a pitcher of wine, and a "punchard" full of good beer. *Item* ; on all Saturdays it shall be likewise, only they shall have no wine ; and whatever is ~~not~~ ^{ever} ~~sent~~ ^{sent} remain in the Refectorarian's hands.

IX.—Of the Almoner. Of the “Signum” of the Refectorarian on Absolution-Thursday.

The Almoner shall give the Refectorarian a clapper on Absolution-Thursday, and on each Saturday in the year his server shall collect the salt at dinner-time in the Refectory. *Item*; the said server shall collect the salt on Absolution-Thursday, directly after dinner; he shall, however, next day, and on the following Saturday, provide salt for the monks at the dinner-hour.

X.—Of the Cook. Of the Cook’s “Punchard.”

The Cook shall daily receive his food with the Under-Cooks, and shall sit at the High Table, and shall have a Punchard. If however he takes a meal outside, he shall name one of the Under-cooks at his pleasure, to take his place.

XI.—Of the Gardener. Of the Refectorarian’s Apples in Advent and Lent.

The Gardener shall provide apples in Advent and Lent, viz., on the Mondays, Wednesdays, and Fridays, unless any feast day comes in the way. And this in such a way that the Sub-Prior, the third Prior, and the fourth Prior, should there be one, shall have ten; the Refectorarian likewise; the rest of the officers, not named, shall receive them in like manner. The Prior however, if he should be [? present], shall have fifteen, the second Prior ten, the third eight; and the Gardener on the first and last days of Advent and of Lent shall have a conventual loaf, to be given by the Curtarian. So likewise let it be done on St. James’ Day for the benediction of apples; and they are to be supplied at the tables as in Advent or Lent.

**Of the Altar of the B.V.M. Of the
Candle before the Cross in the middle of
the Altar on Absolution Day.**

The B.V.M. ought to provide a
Candle on Absolution-Thursdays, at the
Altar, of a pound weight
and a light on the Invention
of the same weight on the Exalta-
tion of the Virgin in Cheesecill, as
the daughter of Agatha of

**Of the Rooster-Garth. Of the Wax
Candle which burns before the
Altar on the Holy Cross.**

The Rooster-Garth shall provide a wax taper,
which shall burn before the Holy Cross, to be
burnt as long as it shall last.

**Of the Seven Branches burning
before the Cross.**

The seven Branches to burn at
the Altar, the revenue of eighteen-pence
to be received on the south side, being the gift
of the Guardian of the
Altar, and from the Guardian of the
Altar, eighteen-pence to the Altar
shall be obtained from a certain rent in
the parish of Goddard le Barbour, on the south
side of that street towards the City walls:

and yet Geoffry's Charter does not mention that street, but the street called Fleshmonger-street; so that it is not known whether the tenement of the said Geoffry was in the one street or in the other. It is certain (?) that he holds tenements in Parchemer-street, as has been ordained by the aforesaid Guardians. And be it noted that these seven Branches are never to burn at dinner, but every Saturday at the second Collation, and similarly on every double Feast at the second Collation.

XV.—Of the Cup of St. Athelwold.

Item; the Refectorarian shall carry St. Athelwold's cup, on the day of the Deposition of that Saint, in the Refectory at dinner time, with a pitcher of wine, and after it has been there kissed by the rest of the brethren, it shall be carried into the Infirmary, viz., to the table of those who have been bled, and to the table of the sick; only no sick person who can get to Chapel and hear Divine service ought to be absent: and similarly those who have been bled should all be present. After this, it is to be carried to the Prior's Hall, and after having been kissed by the Prior and the rest of the brethren, and by gentlefolk of quality, let him take it back to the Refectory; and the Refectorarian shall have a second pitcher of wine, from the Curtarian, with the servants who are going to dine, if he so chooses. *Item*; the Refectorarian shall daily collect the spoons after dinner. *Item*; the said Refectorarian shall collect the brethren's knives after dinner in the Refectory on Absolution-Thursday, that they may be cleaned, with the cloths and salt-cellars, and returned clean and bright to the said brethren on the Vigil of Easter; and it is to be noted that these said vessels are to be cleaned at the Prior's charges, paid through his Treasurer, viz., 4*d.* The Curtarian shall allow a conventual loaf for the cleaning.

_____ shall provide fifteen wax
_____ the Cross on Absolution-
_____ the said Refectorarian shall
_____ when necessary, down to
_____ under head of the Sacrist.

THE WHITE COLLAR.

...meals with the community, and
 ...in ancient use, on the south side,
 ...the second refectory. He shall
 ...before the Cross ;
 ...of wax tapers and candles) in
 ...saving one chandelier. If
 ...tapers for the corona near that
 ...which used before to stand
 ...He is also to repair all vessels
 ...silver salt-cellar, silver
 ...the two bells on the High
 ...with their ropes, and all the
 ...the deep tray in which the
 ...to be carried to the High Table.
 ...before the Cross, with their cords,
 ...for the use of the community, because
 ...which from time to time have been
 ...to the Refectory to the honour of God.
 ...of] all the animals acquired by
 ...The Refectorian how-
 ...from the Chamberlain,
 ...the remains of the fifteen wax lights
 ...seen and above.

XVIII.—Of the Seven Branches.

The Seven Branches shall be lit only every Saturday at the second Collation ; and so also let it be done on double Feasts at the second Collation, as has been said above.

XIX.—Of the three Flat Lamps hanging before the Cross.

Three Lamps shall be lit up before the Cross on every double festival at the second Collation, and on the day following at dinner. *Item* ; they shall be alight every Saturday at the second Collation. *Item* ; they shall be alight at dinner-time, when the clerical "Ordo" is read out. *Item* ; on Good Friday, at dinner. *Item* ; on the Invention and the Exaltation of Holy Cross, at dinner-time.

XX.—Of Maundy-Bread.

No Bread is to be given out at the foot-washing on Absolution-Thursday, because on that day a feast is kept by all the Convent in the Cloister.

XXI.—Of the Curtarian. Of the customs to be allowed in the Refectorarian's Account-Roll before the Curtarian.

The Curtarian shall allow the Refectorarian in his computus-roll all the following customs. The Sub-Prior, whenever he takes his meals in his own room shall have two loaves beside his own, or if he takes his meals in the Infirmary, or if he be sick. If however he takes his meals in the Prior's Hall, then he shall only have his own loaf : if, too, he be out of town, he shall have the same. The third Prior and the fourth Prior, should he be Cellerar, shall, on the third day of blood-letting, have the same

... half a

... of bread,
... Christmas,

... of Bishops,
... shall allow
... High Table.

... on the High
... in the Convent
... be broken and

St. John Baptist.

... Easter shall

... be invited by any

... of the Convent.

... take flight to us,

... in all respects as

... if any guest,

... Superior, and take

... be treated in all

... fathers or mothers,

... distant parts, were to

... as if of the Convent,

... a year, were they to

... takes a potion for any

... by the Curtarian.

... put on the tables, as

... Chamberlain. *Item*; let

... the pots on shaving day

...

XXII.—Of the four Sergeants of the Church. Of the four Sergeants of the City.

Item ; the four Sergeants of the Church shall have on every double festival four conventual loaves, by allotment of the Curtarian. *Item* ; the four Sergeants of the Town shall have eight conventual loaves at Easter, eight at Whitsuntide, and eight at Christmas.

XXIII.—Of the Refectorarian's Valet.

The Valet who waits on the Refectorarian shall receive daily half a conventual loaf, and half a flagon of good beer. Also on a Vigil, when the Convent fasts at the Collation, from the Invention [of the Holy Cross] to the Exaltation of the same, he shall provide in lieu of spices, sage, mint, and parsley, and shall receive from the Cellarer a "pynard" full of good beer. *Item* ; the said Valet on all Sundays, and also at twelve o'clock from the Invention to the Exaltation of the Holy Cross, shall after Nones ask the Cellarer for a "pynard" full of good beer for the Precentor and his fellows who are saying the *Placebo* in the Choir ; but from the Exaltation of the Holy Cross to All Saints Day, on all Sundays things shall be as is said above in the chapter on the Precentor. *Item* ; the said Valet shall look after the [table?] of the Novices, and shall have their leavings, as has been used from old time.

XXIV.—Of the Usher.

The Usher shall daily receive a quarter of a conventual loaf, except on Vigils, when the Convent fasts, and on Rogation Days and in Lent, and then he shall have half a conventual loaf. He shall clean out the Refectory of the Convent against Easter, and

shall have the old straw-litter ; he shall also make the fire in the Refectory in snowy weather, and shall have the ashes. He also keeps the door of the Refectory the whole day of the shaving pots, and shall wash out the pots of each brother on shaving day, and shall have a conventual loaf, as has been said above in the chapter on the Curtarian.

THE MASTER OF THE WORKS SHALL REPAIR THE
WHOLE HOUSE.

Notes.

1. *Obedientiarii*.—The Officers of the Monastery. “Monachi, qui aliquod officium ipsis ex mandato praelati commissum exercent.” (Lanfranci Decr. pro Ord. S. Benedicti). St. Swithun’s Priory was a large Benedictine Monastery; with, originally, from sixty to sixty-five monks: in 1325 there were sixty-four. The great pestilences of 1349 and 1361 so reduced the population that (from this and other causes), in spite of all efforts, the numbers at the Priory could not be raised again above forty. William of Wykeham enjoined the Convent to return to the original sixty; yet they could only muster forty-two at the time of his death in 1404. At William of Waynflete’s election in 1447 there were thirty-nine. The troubles of that century again reduced the numbers: in 1450 there were thirty-five; in 1487 only thirty; and it continued to be about this size down to the Dissolution in 1541. The “Obedientiarii” were Sub-Prior, Third Prior, and (sometimes) Fourth Prior, Chamberlain, Sacristan, Precentor, Almoner, Hordarian, Refectorian, Infirmarian, Cellarer, Curtarian, “Custos Operum,” Keeper of the Altar of the B.V.M., Guest-Master, Spicerer, Gardener, and Usher: amounting, if all the posts were filled by different monks, to nearly half the whole body.

2. *Maynardus*.—A large cheese; a rare word. It may be connected with the medieval Lat. *maisnada*, a household, in which case it would mean a great household cheese.

3. *Duobus temporibus quatuor temporum*.—The *Quatuor Tempora* were the four Ember-weeks. There is a German word *Quatember*, which is a corrupted form of quattuor tempora: our word *Ember* however is not from the same source, as it is found in A.S. as *ymbren* or *ymbryne*, a circuit, due succession, from *ymb* (cp. Ger. *um*) around, and *ryne*, a run, a course. The Ember-days (A.S., *ymbren-dagas*) are days which come round in due course, περιπλομένων ἐνιαυτῶν.

4. *Feria quarta, etc.*—This medieval use of *feria* marks the days of the week down to Friday; and owes its origin to the Easter-week, which was kept as a holiday throughout. Originally Easter Day was “*feria prima*”; Easter Monday, “*feria secunda*,” etc. Thence it came to be used for the days of the week in any week, each Sunday being *f. prima* (the phrase, however, seems not to have been used, for fear of displacing *Dies Dominica*, the Lord’s Day); then Monday would be *f. secunda*; Tuesday, *f. tertia*; Wednesday, *f. quarta*; Thursday, *f. quinta*; Friday, *f. sexta*; and Saturday, *Dies Sabati*.

5. *Ad dignum.*—An uncertain reading in the MS. The word is never written in full. At first it is “*dig.*,” afterwards “*digit.*,” both with a sign of contraction. Mr. Baigent has pointed out to me that in two places in our MS. Rolls, both of the period (or nearly so) of our MS., we have “*dignus*” used for the High Table at St. Swithun’s. In a Roll of 1389, 1390, of Thomas Nevyll, then Almoner, we have “*In vino empto et misso ad dignum in refectorio et domino priori in prima creatione dicti custodis in officio elemosinarii, xxd.*” And again in 1411, in the Roll of Ralph Southam, Almoner. “*Item, —In vino empto ad dignum in refectorio, xiiid.*” *Ad dignum* (*sc. locum*) is probably the explanation of it. In our MS. in Ch. xxi, the word is “*digit.*” and there it is, no doubt, a contracted form of “*digitum*,” a word also used in Medieval documents for the High Table:—thus “*Cuicunque sedenti ad digitum: si subprior, ebdomarius, vel alius ebdomarius sederit ad digitum*”; and of the Almoner of Worcester:—“*Item, debet invenire qualibet die obitus monachi panes iijs, deportandos ad digitum ad elemosinam.*” Whichever word may be used, it certainly means the High Table at which the Prior and the greater guests sat.

6. *Pannos de canabio.*—*Canabium*, or *cannabium*, is a late form from Lat. *cannabis*, hemp; Engl. *canvas*.

7. *Siphos argenteos et mureos.*—These cups, in the section on the Cellarer (XVII), are called “*ciphi murrini*.” Is this “*murrinus*” connected with “*murrha*”? If so, it stands for the classical

"myrreus" (murreus), "myrrhinus," (murrinus), a grand vague epithet for a cup of value: it may here mean cups of fine glass. There are no doubt many passages in medieval writers shewing that the murrhine bowl was very costly. Mr. Cripps, in his elaborate treatise on Old English Plate, shews that the mazers and the murrhine vessels were sometimes the same, and might be wooden. A connection with "murrha" may also exist, for there were also cups fashioned out of precious stone. The "murrha" was a valuable stone with a delicate odour of its own.

8. *Cuculla*.—A cowl. The outer cloak-like garment, worn by a monk over his habit; it had wide sleeves and a hood. The word was specially used of the Monastic dress, as we see in the medieval proverb, "*Cucullus non facit monachum*."

9. *Dies Jovis Absoluti*.—Sc. Maunday-Thursday.—This is no concession to the power of Jupiter, but an odd way of designating a certain Thursday. Du Cange, s. v. Absolutio, explains it, "*feria nempe quinta (i.e. Thursday) ante Pascha, qua Pœnitentes absolvi solebant*," it was therefore the day before Good Friday, on which people used to be publicly absolved. The phrase exists also in French as *le Jeudi Absolu*; and the use of the past participle answers exactly to our *Shrove*-Tuesday, the Tuesday on which people are shriven.

10. *Ad potationem*.—The "drinking-time" in a Monastery was a light refreshment of beer in the afternoon; it followed the "Collation," or reading of the Sacred Books, or other edifying works in the hearing of all the Monks, in the Refectory. The lection being over, the Monks proceeded presently "*ad potationem*," to take their evening draught of beer.

11. *De Cantore*.—The Precentor was, on occasions, a very splendid personage. "He wore a little cap on his head," says Honorius Augustod., I, vi, "and carried a small staff, or tablets in his hand; being like unto the officer who giveth the signal for battle." At Mainz, the monk of St. Gall, as Cantor, "*in medio choro imponens, crebro coronatus et infulatus*,

adornatusque pretiocissimis indumentis. Ekkehard, De Vita Notkeri, cap. xvi. He arranged the Services of the Church, and the duties of his "socii," the members of the Choir.

12. *De Puncardo*.—This was a liquid measure, probably the larger form of the modern "punchon," which is now used only of spirits, formerly of wine. It is apparently derived from the Lat. *pungere*, to prick or stamp, and denoted a cask bearing some special mark or seal on it, such as the XX of brewers' casks. (Cp. also Scottish *punct*, a *pint*.)

13. *In duplicibus festis*.—So called, because the antiphons were repeated entire before and after the Psalms at Vespers. For the celebration of Service each day was either a Double, a Semi-Double, a Simple, a Vigil, or a Feria.

14. *Ad secundam collationem*.—This was (see note 10) originally the reading, afterwards the meal. The order of meals in a Convent was prandium, cœna, and collatio; and the order, for the Benedictines, is partly given in the Customs of Cluny, ch. xvij. "Post vesperas cœna, post cœnam, cœna servitorum, post cœnam servitorum officium pro defunctis, post officium collatio, et ita ad completorium." So that Collation certainly came towards the close of the day, and not long before Complines. The "second Collation" was a reading in the Refectory. In 1522 Bp. Fox complained, in speaking of abuses at St. Swithun's, that in the Chapter-house "*collationes sive exhortationes*" were not made according to ancient and laudable use.

15. *Qui dicunt Placebo*.—To say the "Placebo" was the recitation of the Office of the Dead, so called from the beginning of the first Antiphon of the Vespers, "*Placebo* Domino in regione vivorum."

16. *Nisi cappæ vel albæ impedierint*: the days on which Copes or Albs were worn were great days; as we see in the Glastonbury Consuetudinary,—"*In diebus autem solemnibus, quando fratres sunt in cappis, medonem (mead) habuerunt in justis.*" Cp. the Vitæ Abbatum Sancti Albani, "*Quando in capis et albis fuimus.*" And Amundesham,

II, p. 316, "in *Cappis* et in *Albis*, et in aliis Festis per annum." The Cope was a semicircular cloak, clasped in front, with a strip of embroidery along its straight edge, and made of silk or other costly stuff: the Alb, a long white linen garment, with tight sleeves, confined at the waist by a girdle.

17. *Qui faciunt O*.—There is an interpretation of this phrase which we may set aside as inapplicable to our MS. "Facere O" was sometimes "to do nothing," to take one's holiday. Here it must refer to the performance of Service. And in this sense it means to sing the Antiphons or Devotions (they were not Services) beginning with "O." (There is an explanation which may be set aside at once—viz., that the "quindecim O" stood for the "quindecim O—rationes"—the fifteen suffrages). There can be no doubt that our "facere O" was in accordance with general Church usage. At first there were the "seven Gregorian great O's," greater Antiphons beginning with O, of which the first was the well-known "O Sapientia." These were beautiful little prayers, the loss of which in their evangelic warmth and devotion is much to be regretted. These great O's were sung on the approach of great festivals, such as Christmas. By degrees fresh ones were added, till at last there were as many as eighteen O antiphons. These were often divided out to be sung by the chief personages in a Cathedral or Monastery. Thus in the Benedictine Houses the Abbot said the first, "O Sapientia," etc.; the Prior, the second, "O Adonai," etc.; the Gardener, the third, "O radix Jesse," etc.; the Cellerar, the fifth, "O clavis," etc.; and so forth. Here the O's fell to the Precentor and his men; and after the Service they had a seat of honour in the Refectory, with a pitcher of wine before them and a "punchard" of good beer. In other Houses "facere O" carried with it splendid entertainment and "Pittances" (*i.e.*, some more delicate food). Thus at St. Paul's in London, after the installation of a Canon, "Debet novus Residentiarius contra Natale O suum in ecclesia intonare, et in domo sua tenere, post Completorium totum chorum invitare, et cenare volentibus cenam parare, et non cenantibus species tripartitas ministrare cum cervisia in principio, et post species, cum vino albo

et rubeo et clareto et cretensi vel vernagio, cum igne bono per medium domus." There is a very full account of the O's in a Monograph on 'O Sapientia' by E. Green, F.S.A., published by the Society of Antiquaries. The "Fifteen O's" with other Prayers, were printed by Caxton in 1490.

18. *Picherium*.—Other forms are "picarium" and "bicarium," whence our "beaker," It. bicchiere, from the Greek βίκος, a word apparently of Eastern origin. "Pitcher" is another way of writing the same word.

19. *Signum Refectorarii*.—The "signum" given by the Almoner to the Refectory may have been a bell (O. Fr. *scing*), or more probably it was a kind of wooden clapper, with which the Refectory had to give notice of the hour of meals, etc., instead of the usual ringing of a bell. In a Monastery no bell might be rung on any pretence from the singing of the "Gloria in Excelsis" at High Mass on Maundy-Thursday to the same time on the Saturday before Easter; and notice was therefore given by the "signum," an implement not unlike that with which boys are often set to scare birds from the seed in the spring. Littré, s.v. *crécelle*, gives us this explanation, "Instrument de bois qui sert à faire du bruit, et dont on se sert les jours de la semaine sainte durant lesquels les cloches ne sonnent pas, c'est à dire *de jeudi à samedi midi*." In Iceland the bells were struck during these three days with a wooden tongue, called *dymbill*, which, however, was not the same with our "signum." It answers nearly to old Fuller's phrase of the sign by which dinner-time was made known "in England with tolling of a bell, but in other countries with loud strokes, as noblemen's cooks knock to the dresser."

20. *De Gardinario*.—This was a Monk of some little dignity, in more classical Houses styled the "Hortulanus." We have seen how in the chanting of O's he came third, with his "O radix Jesse."

21. *In Cheshulle*.—This street, now "Cheesehill," in the Soke of Winchester, derives its name from A. S., *ceosel*, gravel; it runs parallel

to the river Itchen, and doubtless, had a washed gravel beach in old days. I find no trace of Johanna, daughter of Agatha, or her charter.

22. *Wynhale*.—A little parish (Winnal) just outside the city, on on the N. E. side.

23. *Parchemer Strete*.—Now Parchment Street.

I have found no trace of these Charters.

24. *Fleshmonger Strete*—was St. Peter's Street ; the Butchers' stalls being at the end nearest the High Street, the narrow passage at that end being called "Bocher-rowe," and the ancient house still standing on the north side, at the junction of the street with High Street (Godbegot House) having been the Meat Hall. The fish-market stood between this street and Jewry Street. St. Peter's Street and Parchment Street are parallel, running northward out of the High Street to the Walls on the North side of the city, so that a house at the end of either street might easily have connection with the other.

25. *Ad mensam munitorum*.—This word is by metathesis or misspelling for *minutorum* ; unless, indeed, there was a little pardonable confusion in the medieval mind. Blood-letting was the treatment by which the Monk was defended from the commoner ailments of his time, and he may have thought that he was "protected" or "fortified" by it. Still, the right word is *minutus*, "minuere sanguinem" being to lessen a patient's blood, to bleed him. Sluggish lives were apt to make sluggish livers, and the routine of a Monk's existence, as well as the character of his diet, made him specially liable to disorders of fatness, and fullness of blood, and, consequently, blood-letting was one of the regular matters of business in a convent. In some Orders they had fixed times for it ; in certain French Houses it was ordered that bleeding should take place five times a year, and the Monks were not to be bled at other times, save under grave necessity. The fact is, the treatment was a relief, and a kind of luxury ; at each occasion the brethren had "leave out" from their ordinary routine and duties, and might (in the other sense) be found "facientes O," doing nothing, for three days in the infirmary : see below § xxi.

26. *Divinorum servitium*.—Our “Divine Service.” I find the phrase “divinam Servitutem” in Du Cange, but not “divinum” or “divinorum servitium,” though he gives “servitium” as—“service,” or “office de l’église.”

27. *Ad aulam Prioris*.—The building which now forms the main portion of the Deanery.

28. *Pertica*.—A pole, or “perch”; from the rod hung down from above comes the birdcage use of it for a perch with cross bars. Here it was used as a kind of chandelier of a rough type, with waxlights stuck on the transverse bars.

29. *Celerarius*, or *cellerarius*, or *cellarius*.—The Monk in charge of the “cellarium,” or “cella promptuaria.” His duties are described in the Introduction, p. 11, and it will be enough here to cite the Rules of the Benedictines respecting him. Decreta pro Ord. S. Benedicti, cap. viij. “Ad Cellerarii ministerium pertinent omnia quæ in pane et potu et diversis ciborum generibus fratribus sunt necessaria . . . procurare, omnia cellarii et coquinæ, et scyphos et justas, et cætera vasa Refectorii et omnem horum trium necessariam suppellectilem ministrare.

30. *Pelvem, in qua portantur, etc.* The medieval *Pelvis* seems to have been a large flat dish of brass or latten; we find it used as a dry measure, such as a bushel, being probably in shape something like the Winchester Measure—a round vessel, flat at the bottom, with low sides. It was also used as a vessel to carry the water to the font for baptism on state occasions, “Pelvim ex argento ad baptismum, pensantem libras viginti.” And lastly we find it used in our MS. for flat dishes, containing oil and a wick, as a kind of lamp.

31. *Ad Mandatum*.—The “Mandatum” was the foot-washing which took place on the Thursday before Easter (Absolution-Thursday), which was thence styled “Maundy” Thursday. The name comes from the usage of singing the verse (John xiii, 34) “*Mandatum novum do vobis*” during the foot-washing. It seemed that the most marked way

in which the brethren could shew their love one to another was by washing each other's feet. It also refers to the alms given to the poor at that time, of which the "Queen's *Maundy*" of to-day is a survival.

32. *De Curtario*.—It is to be regretted that there is no equivalent English term for this officer. "Curtarius" is an Anglo-Latin form of the Fr. *courtier* (O. Fr. *curatier*), which signifies one who does business for another, a broker, and comes through L. Lat. *corretarius*, *curaterius*, (connected with Lat. *curator* and *cura*), and has no connexion with the L. Lat. *cortis*, a court. See Brachet, H. Dict., o.v. *courtier*. This word, however, does not represent our monastic official of high trust, the domestic bursar; nor was he the French monastic officer, the "curtilarius," who was in charge of the "curtile Monasterii," the courtyard or kitchen-garden, out of which he supplied the House with potherbs and vegetables, but a higher personage. The designation here given of the "Curtarian" appears to have been peculiar to this Monastery. He had charge of the secular buildings within the *Curia*, or precincts of the House (whence at Abingdon he was styled the *Curarius*); also the stables, harness, saddlery, carts, horse-shoeing; he had to find hay, straw, fodder; firing also for the kitchen, etc., candles and knives for the kitchen; he had to see to repairs of brazen vessels there; and gave out bread, beer, etc.

33.—"In *compoto*.—"Compotus" or "computus" is simply an *accompt*, *account*. The Monastic rolls on which the steward of a Manor rendered his account for the year are styled "compotus-rolls." The form with "o," which is late, is thus defended by John de Janua, "Computus a computo,—as, numeratio, vel numeri assignatio, vel doctrina, vel ars. Antiqui tamen dicebant Computus, quod nos abhorremus, propter vocis absonantiam."—So that the medieval ear abhorred the "-pute" sound; and among medieval writers he would be a bit of a pedant who would write anything but *compotus*. Brachet says that the Latin *ũ* was represented by the Merovingian Latin *õ*, etc. The sound of this letter, certainly intermediate between *ou* and *eu*, was usually represented by *u*, then by *o* in early French; later on it became

either *ou* pure, as *cūbo*, *coute*, or *eu*, as *juvenis*, *jeune*." The later form, *compte*, shews that the *o* of *compotus* was short.

34. *Corrodia episcoporum, etc.*—The other forms of this word are *conredium*, *corredium*, *conradium*, *corredum*, *conragium*, *conregium*, *conreium*, *correium*, O. Fr. *coreede*, (as in a Charter of 1157, "Ut nec nostro, nec aliorum, tempore, quædam convivia, quæ vulgo *Coreede*, vel *Giste* vocantur, ...exigere liceat"). The usual O. Fr. forms are *cunrei*, *couroi*, equipage, allowance of food, provision. The L. Latin word is a cross between Latin and Germ. *con* and *redium*, where *redium* (cp. L. Lat. *rhedo*, a woman's ornaments, equipment) is from the Teutonic; seen in Icel. *rrida*, tackle. The word occurs (with a different prefix) in our *ar-ray*. The form in *o* seems to be exclusively English. This great variety of form points to much uncertainty as to the origin of the term. Du Cange defines it as "Quicquid ad alimentum, ad cibum, ad mensam datur." I find another account of the word, "Pensiones annuales de redditibus beneficiorum ecclesiasticorum ex impositione Collatoris persolvenda." Fortescue, On the Governance of England, ch. xviii, puts *corrodies* and pensions together: see Note thereon in Plummer's Fortescue, pp. 337-339. A common sense of it was also—a banquet, given by vassals to their Lords. In our MS., as it is in charge of the Curtarian, it only points out that the allowance of food, either given at stated times or in the form of sustenance when Bishops and Kings and Magnates inflicted their presence on the House, was to be charged in the Curtarian's computus.

35. *Oblata*.—"Nomen inde datum pani tenuissimo ex farina et aqua confecto ad ignem ferreis prælis tosto." O. Fr. *oublée*, an *offering-cake*, Mod. Fr. *oublie*. In Church Latin *oblata* was originally the "oblation" or bread offered at Holy Communion before consecration (as in the Anglican Communion Service). *Oblate* is "widened at the sides" as a thin rolled-out cake.

36. *Deuel*.—An English word in the MS. It is said to be a ~~derivative~~ variety of "deal," a share; if so, the shape of it is peculiar.

It seems more likely that it is connected with our *dough*, Mid. Eng., *dowe*, and may have been bread for stuffing for the kitchen. Halliwell cites *dowler*, a coarse dumpling.

37. *Tria libra*.—A medieval Neuter (no uncommon thing) for “*tres libras*.” The “*libra cervisiæ*” was = one Hemina, or = half Sextarius, or = one twelfth Modius, (say, the twelfth part of a peck).

38. *Pro locione justarum*.—“For the washing of pots.” Justæ were pots or measures, or vessels containing wine or beer. Probably derived from the phrase “*justa mensura*,” an exact allowance.

39. *Dies rasturi*.—A barbarous form of *rasitura*, shaving-day, a serious matter in a monastery. There were thirty-six *dies rasturi* in the year; and the Chamberlain paid the Barber 4s. 6d. a year for his duties.

40. *Selgiam, mentam et persilium*: a corrupt passage. It may be “*salviam, mentham, et persilium*,” sage, mint and parsley, or “*salsiam, menta et persilium*,” *i.e.*, condiments (pickles) and parsley. The former seems the best reading, being an enumeration of herbs, which the valet was bound to provide, whereas he could not be expected to find “*salsiamenta*,” which would be great delicacies. *Selgia* is a late form of *salvia*; and we see the influence of it in O. Fr. *saulge*, Fr. *sauge*, our *sage*. *Persilium* is a contracted form of the Lat.-Gr. *Petroselinum*, *πετροσέλινον*, parsley, (*celery* is a form of *selinum*, *σέλινον*, only). From *persilium* came the Fr. *persil*, whence our *parsley*.

41. *Pynardum*.—A late-Latin word of no authority. It seems here to refer to the same thing as the “*puncardum*” of the earlier part of the MS.

either
can

can
,
:
.



Charter of Edward the Third

for the

St. Giles' Fair, Winchester.



Charter of Edward the Third

for the

St. Giles' Fair, Winchester.





A Charter of Edward the Third
Confirming and Enlarging the Privileges
of
St. Giles Fair, Winchester

A. D. 1349.

EDITED BY

G. W. KITCHIN, D.D.

Dean of Winchester.

London:

GRIFFITH, FARRAN, OKEDEN, AND WELSH, ST. PAUL'S CHURCHYARD.

Winchester:

WARREN AND SON, PRINTERS AND PUBLISHERS, 85, HIGH STREET.

—
1886.

CARTA REGIS EDWARDI DE FERIA STI. EGIDII,
ANNO DOMINI, 1349.



Introduction.

FAIRS in our day have become so commonplace and childish that we can scarcely understand how great was their importance in the early history of commerce. Abroad, as at Frankfort on the Main, or Leipzig, or Nijni-novgorod, the Jahrmarkt retains much of its original interest, and is still the centrepoint towards which merchants flock from every quarter. Yet even these great marts are doomed to wither away under the influence of the modern conditions of trade and transit; and in course of time these, too, may in their turn be reduced to travelling shows, and rough amusements, and the sale of buns and toys.

Fairs may be traced back to high antiquity. Held by use and wont, they are found in the infancy of European commerce, and mark the earliest attempts to render easier the transfer of goods from hand to hand. The oldest known Fair was that of Dagobert, the Neustrian King, held at St. Denys near Paris, on the feast day of that Saint and on several days following. For every Fair was from the beginning bound up with some Saint; was held on the high day of that Saint, in the Church or

Churchyard dedicated to him. On that day all the population flocked to the Church, and it was but natural that, after service held, the people should linger in the Churchyard to gossip and chaffer a bit, and make exchange of their goods, before they went home again. It is to this connexion with a Saint's Feast Day that we owe the word Fair; for it is the Latin *feria*, the Holy day of the Saint. Similarly, in South Germany, a Fair is sometimes called a *Dult*, from the *indultus*, the indulgence or privilege granted to all traders frequenting the Saint's Fair; so, too, we have *Messen*, from the Mass on that day, and in Brittany the *Kermesse* is the Kirk or Church Mass. Thus began the Fair. After a while, not the local people only, the parishioners or citizens, but strangers also were attracted; hither came merchants from many quarters, natives or foreigners, and for their sake the Fair-time was lengthened out for several days.

It will easily be seen that such noisy meetings in Church or Churchyard soon became a scandal. We are told that St. Basil complained that his Church was thereby profaned; and, later, the Churchyard was forbidden to Fair-people by Henry III and Edward I: "*e comaunde le rey et defend qe feire ne marche desoremes ne soient tenuz en cimeter pur honur de Seinte Eglise.*" In early times, however, the Churchyard was just as much the proper place for a display of merchandise as the town-square was for the political meetings of the citizens; and

the shops and booths and stalls, which crowd round the buttresses and chapels of many a foreign cathedral at the present day, bear testimony to the continuance of the custom.

At first, in the days before the Norman Conquest, these Fairs were simple gatherings, matters of use and wont, and whatever rights they enjoyed were held by prescription; but when the Normans came in, bringing with them their strong and masterful spirit of organisation, they moulded these greater markets everywhere into shape, and by Royal Charters gave them a legal footing. In Alfred's day foreigners used to come to "the four fairs," and had leave to abide for forty days and no more; we find also from Magna Carta that the foreign merchant was a familiar figure, coming and going with his wares without let or hindrance from anyone, and welcomed as an important element in the prosperity of the country. Mr. Fox Bourne, in his work on English Merchants (p. 6), asserts that commerce flourished more vigorously in England under Edward the Confessor than under the Norman Kings; he holds that the Conquest threw back the life of trade, and that "for the half century following it we know little of the history of commerce, and it is probable that little progress was made in it. In the Charters," he adds, "granted by the two Williams and Henry I no reference is made to merchandise." Although there may be some truth in this strong statement, as the English had by the eleventh century made considerable

advance in the comforts of life, and the sudden overthrow of their policy with the establishment of a fiercer race as lords, no doubt for a time did much to check their natural progress. Still it is untrue to say that the Norman kings paid no attention to commerce; the existence of the Charter of William Rufus for St. Giles' Fair at Winchester is by itself enough to dispose of this sweeping negative. And, indeed, in the main, the intimate connexion with Normandy and other continental countries, in which art and letters and trade were far in advance of anything known in England, must have had a decided and favourable influence on English commerce. No doubt some forms of industry were at first shaken and weakened, as is always the case in great changes; but this was the case with the general current of commerce, which naturally, like language or water, seeks the channel of least obstruction, rather than the consequence of any single influence of Norman lords. At all events, the trade and prosperity of Winchester gained rather than lost by the attentions of the Norman kings; nor was it till long after the end of the thirteenth century that its importance was then in large measure eclipsed by the steady growth of London. Before the reign of Henry and Winchester had been rivals with London, the population of our city is said to have been nearly, if not quite, as large as it is to-day; and the *Writs of the King and Standards* had an authority which made Winchester the *Later Capital of England*, as we may see from one of the Ordinances of King Edgar

(A.D. 959-975) "Let one measure and one weight pass [throughout the King's dominions] such as is observed at London and at Winchester." London, in those early days, was a thriving port of entry, and Winchester was noted throughout the country for its cloth manufacture and trade in wines of both native and foreign production ; so much so that some votaries of the wine-cup were fain to believe that the city got its name of *Winton* as being "the Town of Wine"; and Henry of Huntingdon has a Latin hexameter on the subject, which may be regarded as a prophecy of the rise of the one city and fall of the other :—

" Testes Londoniæ ratibus, Wintonia Baccho."

For a city which bases its prosperity on shipping is in the highway of the world's traffic, and will succeed, whereas the manufacture of second-rate wines (and those of home growth could not have been good) was but a poor foundation for a lasting prosperity. The other ingredient in the Winchester trade, cloth-making and selling, had more solidity. From very early days Winchester was the home of makers of a rude native cloth, and the industry dates back to Roman, and even to British, days. This manufacture, however, also began to flag and fail when the cloths of Flanders were found to be better than those made at home. The vigorous wool-trade carried on between East Anglia and the opposite shores contributed not a little to the discomfiture of Winchester ; and when Henry I, wishing to improve the home manufacture by the newer

and better methods of the Low Countries, brought over Flemish colonists, and settled them in England, he placed them in other centres of industry, so that Winchester lost rather than gained by the enlightened efforts of the king. Of little avail was the prosperity of the Merchant Guild of this City, to which, early in his reign, Henry II had granted freedom from all toll, passage, or custom, in all places, the Charter being addressed to the King's ministers throughout England and at every port of the sea ; a Charter which was confirmed, and yet further enlarged in scope, by Richard I. Winchester, which was at the height of her prosperity in the twelfth and thirteenth centuries, gradually and without a murmur yielded up her old pre-eminence, and sank into the peaceful condition of a quiet country town. The Liber de Winton Book tells us, in the words of Cooper (Public Records, I. 226), that "the opulence of the inhabitants in the reign of Henry I may possibly be gathered from the frequent recurrence of the trade of Goldsmith in it, and the populousness of the town from the enumeration of its streets." With the ruin caused by the civil wars, when the Empress Maud besieged the Bishop in his Castle of Wolvesey, and was at the same time herself besieged by Stephen's army, our city began to lose ground ; for the combatants set fire right and left to the town, a large part of which, with many churches and two abbeys, was burnt to the ground. From that time onward the population was much diminished, and many of the streets lay desolate and without inhabitant.

In the thirteenth Century the Statute of Winchester (which in 1285 carried out in a practical way the Acton Burnell Statute De Mercatoribus of 1283) aimed at enabling traders to recover their goods, encouraged trade, and made careful arrangements for the safety of merchants on the road. These Statutes, however, were general in their operation, and Winchester could only take advantage of them in common with, and in competition with, other great cities, such as London, Bristol, or York. In the following century Edward III was much interested in the welfare of Winchester, and not only granted the Bishop our Charter for the Fair, but also made the place one of his ten great staple-towns, with privilege for the sale of wool, woolfells, and leather. But it was all in vain. The wool-staple was transferred hence to Calais in 1363, and cloth-making appears to have died out completely by the time of Henry VI.

It was after the best of the trade had left our City that Edward III, in 1349, issued to the Bishop of Winchester the Charter here printed, securing to him the privileges and profits of this Fair on St. Giles' Down. Yet, though the Charter bears witness to the continued importance of this great gathering, it was just as powerless as the other enactments to arrest the commercial decline of the City. Towns on more central or auspicious sites, or standing on larger and more navigable rivers, or better suited through the geological conformation of their district for the production of manufactures, or less liable

and by degrees taken the
place of our little City, after
a country town of some
importance, has never till our day
been so thronged with that which thronged
it in its greatest prosperity. Hallam
states that there were in the City
about a hundred inhabitants in the
last census in 1881 the
number nineteen thousand.

It was owing to the pros-
perity of the City, more central,
and more convenient transit, than
any other in the country, for centuries it
was the chief of all England ;
it was the chief English
market for the Fair a large
active coasting-trade
between the North and Southampton
the River was navigable for
about a mile to St. Giles' Hill. It was
the chief port of the country and should become a very
large one, it has rivaled most of the
great ports of the world at home or abroad.
It has been surpassed in England only
by London and Cambridge, which, in the
last century, gathered up all the
trade of the district and of the

Flemings and others who dealt with the merchants of Norfolk and Suffolk for their wools and fells.

In different parts of England there are not a few St. Giles' Fairs ; and the reason of it is not far to seek. Fairs were naturally held just outside a city's gates, in or near a churchyard. Now, it was very common to find a church or chapel dedicated to St. Giles', the Hermit-Saint, not far from the gates, nestling in some woody thicket ; for the good man disliked society, and refused to go within the walls. Thus, in London, now embedded deep within the town, was St. Giles' in the Fields, where there was in old days a lazaret-house outside the city, and St. Giles' Cripplegate, also just outside, sheltering a refuge for cripples ; for the leper, the maimed, and the crippled, were the special care of the good Athenian Saint. It was therefore natural that as St. Giles' Church stood just where it would be most convenient to hold a fair, there should be many fairs called by his name and held on and about his day. Here merchants and traders from distant parts encamped, and shewed their wares, until the Churchyard became a mart, and on the first of September in each year a busy Fair was held. At Winchester St. Giles' Chapel and graveyard stood on the hill-top, overlooking the eastward Roman road as it descends rapidly towards St. Swithun's Bridge over the river Itchen, and the East Gate of the City. On this broad open brow, with an unrivalled prospect over the City across the smiling valley to the

downs beyond, handy of access by land or by water, safe from sudden attack, and protected by an ancient fosse, where the point of high land runs back to the higher ground of Magdalen Down, the merchants contentedly settled down and built their booths, and held the Fair.

Soon after the Norman Kings had made Winchester one of their capital cities, they set themselves to control this great gathering of traders by means of Charters granted to the Bishops of the See. There seems, indeed, to be no foundation whatever for the statement, copied by writer after writer, that the first Charter was granted by William the Conqueror, providing for a yearly one-day Fair on St. Giles' Day (September 1st). No such Charter is known to exist, nor is there any allusion to a grant by William I in any of the later documents. The *Inspeximus* of Edward II (10 Edw. II, No. 3) recites the Charter of William Rufus as the earliest; and as this document grants "to God, to the Monastery of St. Peter, and to *Walchel* the Bishop, a Fair at the Church of St. Giles," it was more than probable that this mention of Walkelin has misled careless writers into thinking that his name could not be coupled with that of any other monarch except his old friend and cousin the Conqueror, and that consequently it was by the first William that this Charter was granted. There is no other ground whatever for saying that William the Conqueror ever made any such grant.

The Charter of William Rufus granted the Fair on

"the eastern hill" for three days (Aug 31., Sept. 1 and 2) with all rents pertaining to the King in Winchester, and was confirmed at Hastings, just as William was setting out for Normandy to confer with his brother Robert concerning the conquest of Jerusalem, and this would be two years before Walkelin's death. The object of it evidently was to help the Bishop in completing his great Norman Church, of which such noble portions still remain to us in the Cathedral Crypt and the North and South Transepts. Parts of the proceeds of the Fair were at a later time assigned to Hyde Abbey, to St. Swithun's Priory, and to the Hospital of St. Mary Magdalen.

To these three days granted by Rufus, other five (Sept. 3-7) were presently added by his brother, Henry I, who similarly gave them to the then Bishop, William Giffard; then Stephen in like manner granted to his brother Henry of Blois, the Bishop, six more days (Sept. 8-13); and Henry II added yet two more days, bringing the tale of days up to sixteen (Aug. 31 to Sept. 15). These grants were confirmed by a Charter of Edward II, and finally, the rights of the Fair having somehow fallen into dimness through want of exercise, Edward III granted, in our Charter of 1349, to Bishop Edyndon all the liberties, immunities, and customs enjoyed by his predecessors for these sixteen days. It appears that in the days of Edyndon's predecessor the Fair had lasted for four-and-twenty days, as we see from an *Inspeximus* of Richard II, which cites the Charter of Edward II, and

seen
John
Fair-
g, under
ing on at
all ; to the
as disturbing
irely alter the
knew they could
old, by St. Giles'
the irritation of the
to resent the slights
made the Bishop take
duration of the Fair.

of wooden town, which sprang
the brow of St. Giles' Hill.
popularity, this town grew with
covered the whole open space
have descended the steep slope
of the City. For we read in the
er, 1162, "*Nundine Sancti Egidii
et cum Chushulle combustæ sunt*";
ely that the suburb of Cheeschill would
had the frail booths stood only on the
learn from our document that the whole
by it was surrounded by a palisading, with
or at most two, pierced in it, one towards
and one towards the town. This palisade

was not merely a defence against thieving at night, but it hindered traders from bringing their goods into the market without paying toll; the temptation to such smuggling being so strong that men sometimes digged through the wall, and so evaded the gates. Inside this great fence the Fair was laid out in streets, which were named from the commodities sold in them; these were assigned to Flemings, to men of Caen, of Limoges, of Bristol, of Cornwall, to artificers, such as Goldsmiths and others; there was also a Drapery, a Pottery, a Spicery, in which wares of different kinds were exposed for sale; also a place for the sale of birds and beasts. St. Swithun's drove a fine trade in wine and spiceries; and other religious houses in the neighbourhood had their stalls, which they held under the Bishop, paying rent for them year after year. The Bishop himself appears not to have been above a little trading; for in the year 1191, on St. Birinus' Night, we read that the Fair and the church of St. Giles were burnt to the ground, with the exception of the Bishop's stalls (*exceptis solummodo seldis Episcopi*); and indeed the revenue from the Fair was a large and separate item in the Bishop's accounts, which we may find year after year under the head of FERIA, as the "*Computus Feriæ Sancti Egidii*." The names of the streets indicate clearly enough that it was a great place of resort for foreign as well as English traders; among them were those mysterious merchants from foreign parts called "Dynamitters," who sold brazen vessels and pots, and were bound by ancient custom yearly to present

to the Justiciaries of the Pavilion and to the Treasurer at Wolvesey four brazen basins and ewers.

We learn from our Charter how great were the Bishop's precautions for the safety of the Fair ; he had to guard carefully against fire (and in spite of all regulations it was several times burnt down) ; he had to provide a proper Piepowder Court at the Bishop's Pavilion (the *Pavilonis Aula*, now contracted curiously enough into Palm Hall, the name of a house standing just between the brow of the hill and the ancient Churchyard of St. Giles) ; he had to watch against roguery, both of those who would evade tolls, and of those who sold unsound goods ; he was bound as far as he could to assist merchants coming and going ; and last, and most important of all, he had to take complete charge of the City of Winchester, setting his own guards and keeping watch and ward in the place of the Mayor and Bailiffs ; he had to send officers to the different posts at which his toll-collectors were stationed throughout a circuit of seven leagues, and also to Southampton. For these purposes the Bishop had his Justiciaries and other officers of the Pavilion Court ; he appointed his own Mayor and Bailiffs to administer the affairs of the City during the sixteen Fair-days ; a Coroner also to do the duty of that office in the City on citizens and outsiders alike ; a Marshal to execute all decrees and judgments ; also a small number (three or four, more or fewer) of his own tenants who were to keep order and do whatever was necessary throughout the

“seven-league circuit,” and at Southampton ; as well as other ministers and guards set at Stockbridge, at Romsey, Redbridge, Crabwood, Hursley, Mainsbridge, Otterbourne, Kingbridge, Curbridge, and Alresford, and at other places, to take toll and custom of merchants passing through these points.

On the Eve of St. Giles', at sunrise, these Justiciaries with their following took horse ; they descended the hill into the suburb on the south-east side of the City, crossed the river near one of the mills, and rode on to either King's Gate or the South Gate, where, by appointment, the Mayor, Bailiffs, and Citizens of Winchester met them, and handed over to them the keys of that gate. The Justices then displaced the City warders, and set their own men in charge. Thence they rode to the West Gate, the civic authorities bearing them company, and similarly yielding up their keys ; thence they took possession of the Wool Staple (the site of the wool market is shewn to be close to the West Gate by the street now called Staple Gardens) ; they also proclaimed the opening of the Fair there and elsewhere ; thence round to the North Gate ; thence to the East Gate, where the tolls and customs of the Abbess and Convent of St. Mary of Winton were reserved. Through the East Gate they passed out of the city, having left their men at every entrance, and still escorted by the Mayor, Bailiffs, and Citizens, rode up to the Pavilion. At this point they dismissed the civic authorities, who were then and there

suspended from office ; and the Justiciaries proceeded to appoint a Mayor and Bailiffs of their own for the City, and a Coroner. One can imagine with what feelings the good citizens, shorn of all power and dignity, rode back again into the town, and how great a grudge there must have been between them and the Bishop's people, especially when some overbearing Prelate raised the irritation to burning point. Such an occasion arose in the course of the reign of Edward I. That King issued Letters Patent reciting the complaint of John of Pontoise, Bishop of Winchester, who had found John le Devenische and others obstructing the episcopal officers in taking the issues and profits of the Fair ; and it is clear that there must have always been a simmering of indignation and ill-will of the lay folk against these great clerical lords, mitred or unmitred. For the regulations of the Fair were on every hand arbitrary and oppressive ; and if it relieved the city from royal exactions, it at the same time destroyed its independence ; all trade was forbidden in the city and in the " seven-league circuit " ; no man might buy or sell aught except at the Fair ; the civic authorities had no jurisdiction, even over their own citizens ; nor indeed could any lord of a manor hold his court-baron within the circuit of the seven leagues, except by special leave from the Pavilion Court. The tolls taken at the gates of the Fair were a considerable burden on the traders and buyers, and were levied on the goods of Englishmen or foreigners alike. A load of firewood or charcoal was charged a halfpenny (perhaps sixpence or

eightpence of our money) ; a cartful of hay twice as much ; a cartload of corn twice as much again (say from two to three shillings) ; a woolpack, fivepence ; a pack of mercer's wares, twopence ; for a falcon sold or a ferret, an ape or a bear, fourpence (say from four to five shillings), and so on through the list.

Whatever might have been the feeling down in the aggrieved City, up on the hill all went merrily enough ; even the rough weather of the time of year could not damp the spirits of the traders, the buyers, the sightseers ; and, though Holinshed complains rather dolefully that these things were done "not without great trouble and pains to the citizens, which had not room there but in booths and tents, to their great disquieting and disease, for want of necessary provision were turmoiled too pitifully in mire and dirt, through occasion of rain that fell in that unseasonable time of year," still the scene must have been singularly varied and picturesque. The roadways lined with booths and stalls : at one a Pole selling furs, at another a Norman merchant, at a third a Celtic dealer from Cornwall, at a fourth the representative of one of the monasteries ; the bright throng gazing, chatting, chaffering ; some from distant parts of England, gravely fulfilling their commissions, as when the steward of a great country-house, or the Cellarer from some Priory, came here to purchase household stores for the whole year ; others, agents of kings and princes, bought silver or jewels, or necessary spices from the famed St. Swithun's stall ;

as when in 1234 the Fermier of the City paid £20 to Ailward, the Chamberlain of Winchester Castle, to buy a robe for the King's son and sundry silver vessels for the Chapel in the Castle. One might see a great lady tempted to buy an ape ; a nobleman's falconer scanning the hawks for sale ; the officers of the Fair on horseback riding through the crowd ; some cheating rascal suddenly arrested ; for the medieval Fair, as Piers Plowman tells us in the passage which alludes to the Winchester Fair, was an evil place for such doings, and the "Grace of Guile" was never lacking to those who cultivated it. Some one was always coming or going ; and there were the country folk, round-eyed, looking at the wonders of the show, the strange dresses, the unwonted speech odd faces and gestures of the foreigners, or watching with delight the antics of a monkey, or the sober movement of a bear. So ran the Fair through all the ages from before the Norman Conquest to the great civil wars of the Roses ; and then it was seen to be much decayed. In the Revenue Roll of William Wayneflete for 1471 we hear of the Cornish Street being unoccupied, and the receipts of the Fair had largely fallen off : as we have said, the times and the growth of larger marts were against it ; the conditions of trade were also changing :—shops in towns grew stronger as the Fair grew weaker ; civic independence fought against the special privileges of the gathering. Above all, the Fair suffered from the greater prominence of the middle-man ; for the development of this very important factor in trade, whose day may

perhaps be already waning, was soon fatal to a system under which the maker or producer came into direct contact with the purchaser. The improvement in communications had also no little effect in pulling down the Fair; when people found that they could get from place to place, buy what they wanted from hand to mouth, instead of purchasing once a year and packing away their goods in store rooms, in which they ran all the risks of rats and mice, of damp and staleness, they soon ceased to arrange their commissariat by the Fair, and learned to deal for what they needed with the shopman in the town. Then by degrees, as the City grew stronger and the Fair weaker, it slid down St. Giles' Hill towards the gates, until at last it entered into the town, and abandoning the old site altogether, camped for a day or two in the broad High Street, where still its noisy ghost holds revel once a year.

The Charter of St. Giles' Fair, of which a transcript and shortened translation are here given, is a well-written document of the year 1349 by the hand of a practised legal scribe: it is not seriously contracted, and hardly in any point offers difficulty to the reader. The Seal is unfortunately gone. The MS. is on one sheet of parchment, written closely throughout in long lines, 71 in number, stretching all across it; it is two feet eight inches broad by one foot nine deep. The Latinity of the Charter, though tiresomely long-winded and iterative after the legal fashion, is tolerably grammatical throughout.

It is remarkable that though this Charter was issued at the time when the "Black Death" was raging in England, it contains no allusion to it, nor any precautions against the spread of infection at so great a gathering.

Carta Regis Edwardi de Feria Sti. Egidij.—A.D. 1349.

EDWARDUS, Dei gratia Rex Angliæ et Franciæ et Dominus Hiberniæ, Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Justiciariis Vicecomitibus¹ Præpositis Ministris et omnibus Ballivis et fidelibus suis Salutem.

Sciatis quod cum celebris memoriæ dominus Willelmus olim Rex Angliæ progenitor noster per cartam suam dedisset et concessisset Deo et Sancto Petro veteris monasterii² Wyntoniæ, et tunc Wyntoniensi Episcopo³ unam feriam ad ecclesiam | Sancti Egidii quæ sita est in monte orientali Wynton⁴ et omnes redditus suos et justicias suas quæ ad ipsum pertinuerunt in Wyntoniensi civitate⁵ per tres dies integros, scilicet diem proximum ante festum, et diem ipsius festi, et diem subsequenter post festum, ita plenarie et quiete cum omnibus consuetudinibus sicut eam haberet, si sua propria esset: Ac postmodum inclitæ memoriæ dominus Henricus dudum Rex Angliæ frater | prædicti regis Willelmi per cartam suam dedisset et concessisset Deo et Sancto Petro et Sancto Swythuno veteris monasterii Wyntoniæ et Willelmo Giffard⁶ tunc Episcopo loci prædicti⁷ unam feriam ad ecclesiam Sancti Egidii prædictam⁸ et omnes redditus suos et justicias suas quæ ad ipsum pertinuerunt in dicta Wyntoniensi civitate⁹ per octo dies integros, (tres videlicet dies quos frater suus Rex Willelmus eis concessit et post illos tres dies quinque | dies) ita plenarie et quiete cum omnibus consuetudinibus, sicut idem Rex cum haberet¹⁰ si sua propria esset.—Subsequenterque claræ memoriæ dominus Stephanus quondam Rex Angliæ progenitor noster per cartam suam etiam concessisset Deo et prædictæ

ecclesiæ Wyntoniensi: et Henrico tunc dicti loci Episcopo fratri suo,⁶ et omnibus successoribus suis sex dies continuos: de accremento ad dictam feriam Sancti Egidii Wyntoniensis Ita quod inter totum: haberet | quatuordecim continuos dies, Volens et Præcipiens quod prædicta feria omnibus hiis quatuordecim diebus: haberet omnes consuetudines et quietancias, et libertates, quas solebat habere infra civitatem prædictam et extra: tempore Regis Henrici antedicti.—Posteaque bonæ memoriæ dominus Henricus quondam Rex Angliæ successor dicti Regis Stephani progenitor noster: per cartam suam concessisset Deo et ecclesiæ Wyntoniensi supradictæ, ac tunc | Episcopo⁷ dicti loci octo dies ad accrementum feriae prædictæ; Ut: quæ tempore prædicti Henrici Regis avi sui octo diebus tantummodo durabat: extunc sexdecim diebus duraret: prout in cartis prædictis quas dominus E. nuper Rex Angliæ pater noster per cartam suam confirmavit: concedens pro se et heredibus suis Johanni nuper Episcopo⁸ dicti loci: quod licet ipse aut prædecessores sui: libertatibus prædictis usi antea non fuissent: idem tamen Episcopus et successores sui eis extunc plene gaud | erent et uterentur: Ac in eadem confirmatione plenius continetur Nosque nuper ad prosecutionem venerabilis patris Willelmi de Edyngton⁹ ipsius loci nunc Episcopi nobis suggerentis: ipsum et prædecessores suos ejusdem loci Episcopos: virtute cartarum prædictarum et verborum generalium in eis contentorum: ac feriae supradictæ a tempore confectionis earundem cartarum et alias a tempore quo non extat memoria Justiciarios suos qui vocantur Justiciarii Pavilonis:¹⁰ cognitiones placitorum¹¹ et aliorum negotiorum eadem | feria durante: necnon claves portarum et custodiam prædictæ civitatis nostræ Wyntoniensis pro certo tempore feriae illius: et nonnullas alias libertates immunitates et consuetudines habuisse, et eis: quamvis in dictis cartis plene minime exprimantur: libere et inconcusse usos fuisse, et nobis supplicantis: ut libertates immunitates et consuetudines hujusmodi quas constare posset dictum Episcopum et præde-

et Civitatis quæ vocatur *Kyngeyate*! pro
 et Civitatem | illam ibidem ingredien-
 portam australem Major, Ballivi, et Cives¹⁴
 eisdem Justiciariis obviabunt, et claves et custo-
 portæ australis eis nomine prædicti Episcopi, et
 ministris! liberabunt et tradent.—Et iidem Justiciarii
 sive Janitores! pro voluntate sua ibidem ponent Et exinde
 portam occidentalem¹⁵ ejusdem civitatis! simul equita-
 ubi prædicti Major, Ballivi et Cives eisdem Justiciariis claves
 et custodiam ejusdem portæ! ac tronum¹⁶ lanarum dictæ Civita-
 tis! præfatis Justiciariis in forma prædicta tradent, et liberabunt,
 et iidem Justiciarii Custodem seu Janitorem ad eandem portam
 constituent, et ibidem feriam prædictam in forma qua! sequitur!
 proclamari facient! Videlicet quod nullus mercator nec alius per
 prædictum tempus sexdecim dierum! per septem leucas in circuitu
 placeæ feriæ illius!¹⁷ mercandisas aliquas alibi! quam in eadem
 feria! vendat, emat, nec vendicioni ex | ponat! sub forisfactura¹⁸
 earundem mercandisarum ad opus prædicti Episcopi! qua pro-
 clamazione sic facta! iidem Justiciarii, Major, Ballivi ac Cives
 ad portam borialem ejusdem civitatis simul equitabunt, et ibidem
 claves et custodiam ejusdem portæ! eisdem Justiciariis in forma
 prædicta tradent et liberabunt, Et iidem Justiciarii! Custodem
 vel Janitorem ibidem pro voluntate sua ponent. Et postea
 iidem Justiciarii! ibidem et alibi in Civitate illa! quociens
 voluerint! consimilem proclama | tionem facient et facere pos-
 sunt et solebant pro voluntate sua. Et exinde iidem Justiciarii,
 Major, Ballivi, ac Cives usque ad portam orientalem ejusdem
 Civitatis simul equitabunt et claves et custodiam ejusdem portæ
 eisdem Justiciariis in forma prædicta liberabunt! exceptis
 Thecoloniis¹⁹ et custumis Abbatissæ et Conventui beatæ Mariæ
 Wynton²⁰ et eorum successoribus et ecclesiæ suæ de eadem
 porta orientali debitis sive pertinentibus. Et iidem Justiciarii,
 Major, Ballivi | ac Cives exinde! usque Pavilonem prædicti

Episcopi feriæ illius, super Montem sancti Egidii extra Civitatem prædictam: simul equitabunt, et extunc: idem Major, Ballivi et Cives recedere et ad Civitatem prædictam pro voluntate sua redire possunt. Et iidem Justiciarii eligent et constituent Majorem et Ballivos ad deservendum in hujusmodi officiis, in Civitate prædicta: durante feria prædicta. Necnon unum Coronatorem²¹ ad faciendum ea quæ ad officium Coronatoris | pertinent infra Civitatem prædictam durante feria prædicta, et hoc de hominibus forinsecis, sive de prædicta Civitate: pro voluntate eorundem Justiciariorum. Et habebunt quendam Marescallum²² ad executiones faciendum et eis deservendum prout decet: tam infra Civitatem quam extra. Et prædictus Episcopus a tempore quo claves et custodia portarum, ut præmittitur: liberatæ fuerint: per Justiciarios et alios ministros suos: habebit custodiam totius Civitatis prædictæ et cognitionem omnium placitorum de | transgressionibus debitis et aliis contractibus quibuscumque, tam homines et tenentes Civitatis prædictæ: quam alios quoscunque pertinentium per septem leucas in circuitu placeæ feriæ illius adjacentium: Necnon omnes alios homines sive mercatores quoquo modo contingentium et quovis loco seu tempore tam videlicet citra mare quam ultra hujusmodi contractus sive conventiones facti fuerint, ad Pavilonem prædictum placitandum et tenendum: absque hoc: quod aliquis de | civitate prædicta, seu partibus illis infra spatium prædictum: se inde intromittere debeat per tempus prædictum. Et omnia placita personalia ab initio feriæ illius: usque vigiliam Nativitatis beatæ Mariæ coram eisdem Justiciariis inchoata: deduci debent et regulari primo: per summonitionem seu attachiamentum: et postea per districtiones:²³ prout in Curia nostra regia usitatum est: et prout casus exigunt et requirunt. Et a Vigilia Nativitatis beatæ Mariæ usque finem sexdecim | dierum prædictorum: processus omnes hujusmodi placitorum et querelarum extunc motarum et motorum: per antiquam consuetudinem feriæ prædictæ, a

tempore quo non extat memoria ut præmittitur usitatam: incipient per districtionem: et semper per districtionem continentur de hora in horam: vel de die in diem: secundum discretionem Justiciariorum prædictorum: pro celeriori remedio querentibus exhibendo. Et tam homines Civitatis prædictæ, quam alii quicunque: per eundem processum justi | cientur et regulentur. Et si partes aliquæ in inquisitionem se posuerint:²⁴ coram iisdem Justiciariis in huiusmodi placitis, vel in aliis quibuscunque placitis de quibus Justicarii Pavilonis prædicti cognitionem habent: præcipietur Marescallo, quod venire faciet coram eisdem Justiciariis inquisitiones tam de hominibus Civitatis prædictæ quam de forinsecis, sive de Soka,²⁵ vel de feria, vel de Mercatoribus in feria illa inventis: sive fuerint de Civitate prædicta sive de Civitate Londoniensi, vel de alio loco | quocunque citra mare vel ultra: prout necesse fuerit. Et cum juratores per processum venerint: tunc in præsentia partis vel partium: jurare cogentur super hiis de quibus per Justiciarios onerari debent: Videlicet per pœnam imprisonamenti²⁶ vel alio modo per pœnam pecuniæ secundum discretionem Justiciariorum: prout in Curia nostra regia coram Justiciariis nostris usitatum est: et hoc, sive sint homines de Civitate prædicta, sive de Londoniensi, sive forinseci. Et postquam aliquis convictus | fuerit per inquisitiones huiusmodi: vel per cognitionem suam: in quocunque placito personali fuerit: statim per iudicium et præceptum Justiciariorum attachietur per corpus suum²⁷ et liberabitur Marescallo salvo custodiendum quousque satisfactum fuerit parti et Curiae. Et similiter omnes qui rescussum faciunt²⁸ super Ministros prædicti Episcopi vel Justiciariorum suorum vel ministrorum eorundem: in feria prædicta, seu Pavilone prædicto deservientium vel infra septem leucas prædictas, vel apud Suthampton²⁹ | et eos impediunt ad executiones et præcepta Justiciariorum facienda: sive sint homines de Civitate prædicta: sive forinseci, sive de villa Suthampton, sive aliunde: statim per eorum corpora attachientur et ducentur Paviloni et

ibidem morentur, quousque finem³⁰ prædicto Episcopo pro transgressionem illa et rescussu! fecerint. Et si ipsi, seu alii quicunque ad sectam partium seu partis! convicti³¹ et custodiæ commissi, ut prædictum est! infra prædictos sexdecim dies! finem Episcopo et satisfac | tionem partibus seu parti prout decet! facere noluerint! statim post sextumdecimum diem ducentur apud Wolveseye,³² et ibidem detinebuntur in custodia prædicti Episcopi! quousque finem fecerint! et satisfecerint in forma prædicta. Quodque omnia placita debitorum inter mercatores quoscunque! durante feria prædicta! tenebuntur, et totis temporibus retroactis teneri consueverunt coram præfatis Justiciariis per probationes talliarum³³ secundum legem mercatoriam!³⁴ si pars | querens hoc voluerit. Et si aliquis attachiatus vel districtus coram præfatis Justiciariis ad sectam cujuscunque querentis! et comparere noluerit! ne se justiciari coram eisdem Justiciariis infra prædictos sexdecim dies! tunc in fine sextædecimæ diei feriæ prædictæ! bona et catalla³⁵ sic attachiata districta vel arestata! per sacramentum proborum et legalium hominum de Soca Wyntoniensi appretiari debent! et partibus querentibus pro debitis suis, et pro dampnis suis secundum discre | tionem Justiciariorum liberabuntur, si districcio hujusmodi sufficiat. Et si valor districcioni non attingat ad summam debiti et dampnorum! tunc pro portione debiti! liberabuntur secundum quod districcio illa fuerit major vel minor. Et isto modo usitatum est tam de hominibus Civitatis Wyntoniensis et Londonensis! quam de aliis quibuscunque personis, et quorumcunque locorum fuerint. Et omnia placita coram præfatis Justiciariis inchoata et quæ non sunt infra prædictos sexdecim | dies terminata! in fine sextædecimæ diei ajornabuntur ibidem! usque Vigiliam Sancti Egidii tunc proxime futuram. Et idem dies detur partibus eorundem placitorum. Et quod habentur quamplures tenentes prædicti Episcopi! qui terras et tenementa sua tenent de eodem Episcopo per servitium faciendi sectam ad dictum Pavilonem! et venient ibidem quolibet anno in

Vigilia Sancti Egidii ante horam primam ad sectam suam faciendam, et parati erunt cum equis et armaturis suis: quotiens necesse fuerit. De quibus | Justiciarii prædicti pro voluntate sua eligent tres, vel quatuor, vel plures vel pauciores: prout viderint fore necesse ad deservendum et commorandum in feria prædicta ipsa durante: et executiones faciendum et præcepta eorundem Justiciariorum exequendum ubique: infra prædictas septem leucas, et apud Suthampton: quotiens necesse fuerit: pro salva custodia pacis et feriæ prædictæ, et hoc sumptibus ipsius Episcopi consuetis Ita videlicet: quod tenentes prædicti redeant, et parati sint ad præmissa facienda: quotiens et quando per Justiciarios prædictos fuerint præmuniti. Et erunt ibidem durante feria illa: quidam servientes et Ministri ad scribendum placita, querelas recipiendum, et executiones Judiciorum exercendum et persequendum, Videlicet, Camerarius, Marescallus, Ostiarius⁸⁶ et alii diversi servientes ejusdem feriæ; qui: de illis hominibus, qui querelas prosecuntur, vel distringuntur, seu coram eisdem Justiciariis in placitis convincuntur: et in aliis pluribus casibus præmia seu feoda capi | ent consueta: moderanda tamen: ex causa rationabili: per discretionem Episcopi vel Justiciariorum suorum, et a tempore quo non extat memoria hujusmodi feoda ceperunt ratione officiorum suorum. Et quod districtiones fieri debent rationabiles et non nimis graves: secundum discretionem Justiciariorum et secundum exigentiam negotiorum coram eis emergentium. Et prædictus Marescallus quolibet die: durante feria illa: statim post occasum solis equitabit per medium feriæ prædictæ | et publice proclamari faciet, quod quilibet Mercator in continenti claudet seldam suam:⁸⁷ post quam proclamationem sic factam: nullus: mercandisas aliquas vendere potest nec venditioni exponere; quod si fecerit: et inde convictus fuerit: finem faciet prædicto Episcopo pro transgressione illa secundum discretionem Justiciariorum. Et post eandem proclamationem factam: usque ortum solis diei crastini: nullus alius quam Ministri prædicti Episcopi

vel Justiciariorum suorum prædictorum | in feria prædicta vagari debet! quod si fecerit! statim per Ministros attachietur et usque Pavilonem prædictum ducetur, et finem faciet in forma prædicta. Et nullus Mercator ignem aliquem infra feriam prædictam noctanter habebit, nec tenebit, nisi sit in lampade vel in mortario. Et si quis aliter fecerit! per amerciamentum punietur.³⁸ Et si domus alicujus infra barram feriæ prædictæ! confracta sit vel diruta! per quod aliquis per hujusmodi domos cum | rebus venalibus emptis vel venditis! subito evadat! vel evadere possit sine custuma et Tolneto³⁹ solvendis! ille! cujus domus illa fuerit! punietur per grave amerciamentum secundum discretionem Justiciariorum, et nihilominus res illæ sic sine custuma et tolneto asportatæ! dicto Episcopo forisfiant. Et prædicti Justiciarii et Thesaurarius prædicti Episcopi de Wolveseye qui pro tempore fuerit! ac clericus placitorum prædictorum! quatuor pelves cum lavatoriis annuatim nomine | feodi⁴⁰ percipient ut antiquitus percipere solebant, videlicet de illis Mercatoribus alienigenis vocatis Mercatoribus *Dynamitters*⁴¹ qui vasa ænea in feria prædicta vendunt. Quodque prædicti Major et Ballivi Civitatis prædictæ! postquam per prædictos Justiciarios, ut præmittitur! electi fuerint! summonitiones, attachiamenta, distictiones, et omnimodas executiones omnium querelarum et placitorum coram eisdem Justiciariis ad dictum Pavilonem placitorum! videlicet de rebus infra Civitatem | prædictam emergentibus! sine occasione vel impedimento quorumcunque hominum Civitatis illius! de mandato eorundem Justiciariorum! facient et facere tenentur, ac Cives prædicti coram præfatis Justiciariis ad Pavilonem prædictum quandocunque summoniti vel præmuniti fuerint! dicto tempore sexdecim dierum durante! sine contradictione aliqua ad ea quæ secundum leges et consuetudines feriæ illius pertinent facienda! venient! Necnon Aldermanni et omnes | Decenarii⁴² de omnibus decenis in circuitu feriæ illius per septem leucas adjacentes! ad quemlibet clamorem et hutesium levatum⁴³ et sanguinis effusionem! venire tenentur!

et si quicquid aliud! contra pacem nostram in Alderman-
riis et decenis suis⁴⁴ emerit! transgressores attachient, et
securitatem ab eis in casu ubi capienda existit! ad standum legi
et consuetudinibus feriæ illius! capient! et ad Pavilonem illum
venient, et de die in diem! | durante feria prædicta! hujusmodi
casus cum emerint! coram præfatis Justiciariis præsentabunt.
Et iidem Justiciarii ulterius! secundum leges et consuetudines
procedent. Et idem Episcopus habebit omnia animalia bona et
catalla quæ dicuntur *Weyf* et *Stray*⁴⁵ infra dictos limites septem
leucarum inventa. Et prædicti Justiciarii! in principio feriæ præ-
dictæ! quendam virum discretum de tenentibus prædicti Episcopi
qui sectam debent ad Pavilonem prædictum! | in Coronatorem
eligent, et sacramentum suum recipient ad faciendum et exequen-
dum omnia et singula quæ ad officium Coronatoris pertinent! tam
infra feriam prædictam! quam in partibus septem leucarum
adjacentium. Qui quidem Coronator eisdem Justiciariis sicut
Justiciariis nostris! intendet. iidemque Justiciarii omnia placita
Coronæ tenebunt, tam per appella quam per indicamenta de
factis emergentia! infra præcinctum prædictum! et inde Judicia
facient et executiones eorundem, | dicta feria sic durante! adeo
plene! sicut Justiciarii nostri faciunt alibi in regno nostro
Angliæ in hujusmodi casu. Et prædicti Justiciarii licet villa de
Suthampton distet a prædicta feria plus! quam per septem
leucas! unum Ministrum dicti Episcopi Pavilonis prædicti! vide-
licet Marescallum, ad eandem villam de Suthampton! singulis
annis in Vigilia Nativitatis beatæ Mariæ, vel ante vel post!
prout eis placuerit! mittent ad proclamandum ibidem quod
nullus venditiones nec emptiones | rerum venalium nec mercan-
disarum tronagium vel pesagium⁴⁶ earundem rerum venalium
durante feria Sancti Egidii prædicta! in eadem villa Suthamp-
ton, exceptis victualibus, teneri faciat! sub forisfactura earundem
rerum venalium et mercandisarum ad opus ipsius Episcopi!
set omnes Mercatores cum rebus suis venalibus et mercandis

prædictis: ad dictam feriam venient, prout in quadam compositione inter Adomarum quondam Wyntoniensem Electum⁴⁷ et Communitatem villae Suthampton prædictæ facta: et per cartam | domini Henrici quondam Regis Angliæ confirmata: plenius continetur. Et iidem Justiciarii ad Pontem de Stokbrigge, Romeseye, Rodbrigge, CrabbeWode, Hursele, Mamesbrigge, Oterbourne, Kyngbrigge, Curbrigge et Alreford,⁴⁸ et ad plura alia loca: custodes sive ministros constituent: qui Theolonia et custumas de mercandisis et rebus venalibus per prædictos Pontes et per alia loca transeuntibus: colligent et capient ad opus prædicti Episcopi: eisdem modo | et forma: sicut in feria et Civitate prædictis ac partibus septem leucarum adjacentium durante feria prædicta. Et quod nullus de Civitate Wyntoniensi mercator: nec alius: mercandisas nec merces aliquas in eadem Civitate dicta feria sexdecim dierum durante: vendet, nec vendere potest, nec venditioni exponere. Et si fecerint: erunt dicto Episcopo forisfacta. Nec aliquis in eadem Civitate per idem tempus seldam apertam tenebit, nec Mercator aliquis de minutis | mercimoniis, utpote bursarum cirotecarum cultellorum et aliarum mercium minutarum: absque fine tum eodem Episcopo ad voluntatem ipsorum Justiciariorum vel aliorum per ipsum Episcopum deputatorum facienda: pakella⁴⁹ sua ad merces illas vendendas sive ostendendas: aperire debeat: iidemque Justiciarii seu alii per ipsos ad hoc deputati: mercatores victualium de Civitate prædicta: primo die feriæ prædictæ: de locis ubi hujusmodi victualia in eadem Civitate vendere solebant: | ad alia loca extra civitatem ad hoc ordinata: cum victualibus suis ibidem et non alibi vendendis: transferent et venire facient. Et omnes pistores, carnifices, et piscenarii ejusdem Civitatis ad Pavilonem prædictum in principio feriæ prædictæ: venient, de quibus: prædicti Justiciarii magis sufficientes et legatiores et discretiores ad deserviendum hominibus ad feriam illam venientibus: de sanis, utilibus, et competentibus victualibus eligent, et sacramenta sua super hoc | capient Ita quod si aliqua victualia non sana inventa

fuerint: illi: quibus extiterint: ea omnino amittent, Et nichilominus per Justiciarios graviter amercientur. Et quod prædictus Episcopus habebit cognitionem placitorum forisceforciæ⁵⁰ et intrusionum de tenementis in Civitate prædicta, et tenebit placita per breve nostrum de recto patens: de terris et tenementis tam infra Civitatem prædictam, quam infra prædictas septem leucas existentibus. Et habebit cognitiones eorundem placitorum coram præfatis Justiciariis | ad sectam quarumcunque partium: quæ coram eis prosequi: seu conqueri voluerint, et Judicia et executiones, prout casus exigunt et requirunt: facient. Et quod omnes domini et alii qui Curiam Baronum⁵¹ infra prædictas septem leucas habent: in principio feriæ prædictæ venire debent et antiquitus venire solebant coram præfatis Justiciariis ad Pavilonem prædictum: et de eisdem Justiciariis licentiam petent ad Curias suas et placita in eisdem tenendas: durante feria prædicta. | Qui quidem Justiciarii eis licentiam præstabunt per finem faciendum vel alio modo pro voluntate eorundem Justiciariorum. Et nullus dominus nec alius: alio modo Curiam aliquam infra præcinctum prædictum durante feria prædicta: tenebit, nec unquam a tempore quo non extat memoria: tenuit, absque licentia in forma prædicta optinenda. Et si fecerint: amercientur per discretionem Justiciariorum. Quodque quamvis nos vel Senescallus Hospicii nostri⁵² et Mareschalcia nostra: durante feria | prædicta: infra præcinctum prædictum venerimus, vel venerint: prædicti tamen Justiciarii omnia placita et alia quæcunque ad libertates prædicti Episcopi et feriæ suæ prædictæ pertinentia: tenebunt et exercebunt: non obstante quod feria illa et præcinctus prædictus infra virgam⁵³ tunc extiterint. Ita: quod quamcito Senescallus et Marescallus prædicti vel illi qui placita Marescalchiæ tenent: per prædictos Justiciarios præmuniuntur: extra præcinctum prædictum recedent: et nichil quod ad officium Marescalchiæ | pertineat: infra eundem præcinctum facient, nec exercebunt, durante feria prædicta. Et iidem Justiciarii nomine

totius Episcopi assisam panis vini et cervisie⁵⁴ et aliorum
 necessarium venient et vendunt in Civitate prædicta et in feria
 prædicta et adiacentibus intra prædictas septem leucas per sex-
 decim dies continuos. Et Ministri ipsius Episcopi mensuras,
 balances, pondera et alias ejusdem Civitatis et ferie, et infra
 prædictas septem leucas durante feria prædicta: capere: et ea ad
 prædictam assisam deferre, et coram præfatis Justiciariis pro-
 bare, et assisam inde facere. Necnon mensuras, balanceas, et
 pondera et alias que extra assisam reperiri contigerit: comburere,
 et homines qui eisdem utuntur tempore ferie illius: amerciare: et
 amercamenta illa ad opus ipsius Episcopi levare debent et sole-
 dare. Et quod nullus Civis Civitatis illius nec alius qui in Gilda
 Mercatoria⁵⁵ ejusdem Civitatis non fuerit: feriam illam cum
 Mercantibus seu Mercimoniis suis post | diem Nativitatis beatæ
 Mariæ absque fine cum eodem Episcopo pro voluntate ipsorum
 Justiciariorum faciendo: ingredi debet: iidemque Justiciarii
 quocunque hora vel die: eis: durante feria sexdecim dierum
 prædicta: prædictam Civitatem ingredientur et omnia dolia
 vinorum venalium in eadem Civitate qualitercunque inventa:
 possunt probare et assaiare,⁵⁶ et eadem singillatim tastare,
 et si que reperierint mixta, putrida, vel non sana vina conti-
 nentia, a seclariis⁵⁷ extra | hent, et capita eorundem doliorum frangi
 faciunt, et tabernarios seu dominos vinorum illorum ad opus
 ipsius Episcopi graviter amercient. Et quod Corvesarii⁵⁸ Sutores
 seu alii operarii sive artifices quicunque in prædicta Civitate:
 alibi: quam in eadem feria: operationes seu opera sua sub foris-
 tactura eorundem: non exercebunt nec vendere possunt, nec
 aliqui ea emere debent. Justiciarii que prædicti ad Civitatem
 illam de Ministris ipsius Episcopi quociens per idem tempus
 volue | rint: ad capiendum de quolibet genere panis venalis in
 eadem civitate: unum vel duos panes et eos usque dictum
 Pavilonem portandum mittent: iidemque ministri panem seu
 panes sic captos ponderare, et si defectus in eodem vel eisdem

repertus fuerit: panis hujusmodi præfato Episcopo erit forisfactus, et pistor ejusdem: judicium Pillorii⁵⁹ subibit, seu alias finem faciet: secundum discretionem Justiciariorum. Et prædictus Episcopus: per idem tempus sexdecim | dierum ad omnes portas ejusdem Civitatis Theoloneum sive custumam⁶⁰ de qualibet videlicet carectata buscæ⁶¹ sive carbonum venalium: quandam portionem consuetam, et de quolibet summagio bladi⁶² venalis ducti per equum: obolum, et de quolibet summagio bladi per hominem portato: quadrantem, et de qualibet carectata bladi duos denarios, et de qualibet carectata fœni sive straminis venalis: unum denarium, et de quolibet trusso⁶³ hujus fœni sive straminis | venalis: quadrantem, et de qualibet alia carectata quarumcumque rerum venalium ad eandem civitatem et feriam venientium per tempus prædictum sexdecim dierum: duos denarios; de quolibet stallo panis in summo vico⁶⁴ ejusdem Civitatis qualibet die Dominica durante feria prædicta: obolum: de quolibet sacco lanæ per licentiam Justiciariorum infra muros dictæ Civitatis vendito: pro pesagio Episcopi quatuor denarios, et pro feudo Pesarii⁶⁵ per prædictum Episcopum ad hoc constituti: unum denarium de | emptore et de venditore: unum denarium, ac etiam: de omnibus artificibus, et mercimoniis minutis in eadem Civitate venditis; tolmeta et custumas inde debita et consueta: percipiunt infra Civitatem et percipere solebant durante feria prædicta. Præterea de omnibus mercandis et rebus venalibus quæ veniunt vel ducuntur ad dictam feriam ante festum Nativitatis beatæ Mariæ: dictus Episcopus tolmeta et custumas sequentes percipit, et percipere solet, | videlicet, de una bala cujuslibet *Avoirdepays*,⁶⁶ et de quolibet pacco merceriæ: duos denarios, de qualibet pecia⁶⁷ ceræ integræ: duos denarios, de quolibet summagio per hominem portato: unum denarium, de quolibet pakello portato, ut de panno et *Avoirdepays*: obolum. Et si duo habeant unam balam hujusmodi mercimonii: quilibet dabit duos denarios. De qualibet carectata mercandis in balis non contentæ: utpote | de pisce, coreo,

[illegible]

Episcopi, quod ipse et successores sui imperpetuum haberent apud locum prædictum: unam feriam: singulis annis per viginti et quatuor dies duraturam, | videlicet per prædictos sexdecim dies, et per octo dies proxime sequentes de incremento: cum libertatibus et liberis consuetudinibus, ad huiusmodi feriam pertinentibus: dictus tamen nunc Episcopus et prædecessores sui per eosdem octo dies sic de incremento concessos: non usi fuerunt aliis libertatibus et consuetudinibus in feria illa: nisi talibus quæ ad feriam spectant, et pertinent et in regno Angliæ ratione feriæ constanter usitantur NOS pia in | tentione ducti: ad laudem Dei et decorem dictæ Wyntoniensis ecclesiæ: et ob sinceram devotionem: quam ad Sanctos Petrum et Paulum Apostolos in quorum honore ipsa consecratur ecclesia: optinemus: Ac eo magis et libentius: tempore præfati Willelmi de Edyngton nunc Episcopi dicti loci et ejus contemplatione personæ, eidem et ipsi ecclesiæ suo commissæ regimini ac successoribus suis de securitate quieta et tranquillis successibus providere cupimus: quo ipsum in nostris regiis | et regni etiam negociis: continuos ac studiosos labores prudenter et utiliter subiisse, et fidelia obsequia in dirigendis nostris negociis diutius præstitisse novimus: Dictaque Wyntoniensis Ecclesia: per progenitores nostros fundata: de nostro existit etiam patronatu: de gratia nostra speciali: omnes et singulas libertates, immunitates, et consuetudines supradictas, quæ sic in inquisitione prædicta anotantur, et per eam compertæ sunt: acceptamus, approbamus, et | confirmamus: et ne excrescente hominum malitia, labenteque memoria: revccentur in dubium: aut in disceptationem seu disputationem exquisitam imposterum deducantur: immo certe et indubie imperpetuum permaneant et perdurent: concessimus ex habundanti pro nobis et heredibus nostris, et hac carta nostra confirmavimus præfato Willelmo nunc Episcopo et ecclesiæ suæ prædictæ: quod ipse Episcopus et successores sui universas et singulas libertates | immunitates et consuetudines prædictas superius ut præmittitur expressatas: durante dicta feria sex-

decim dierum! imperpetuum habeant, et eis libere quiete et integre, sine impedimento, inquietatione, seu contradictione nostri aut heredum nostrorum, Justiciariorum, Vicecomitum, seu Ministrorum nostrorum aliorum quorumcumque! gaudeant et utantur. Volumus insuper et concedimus pro nobis et heredibus nostris, quod idem Episcopus et successores sui omnes alias libertates | et consuetudines quibus ipse et prædecessores sui virtute cartarum prædictarum ac verborum generalium in eis contentorum, et feriæ prædictæ! usi sunt! quæ non supra specificantur, set forsitan in captione inquisitionis prædictæ neglectæ fuerant et omissæ! habeant et utantur eisdem! prout prædictus nunc Episcopus et prædecessores sui! eis usi sunt hactenus et gavisii.

Hiis testibus venerabilibus patribus I. Menevensi Episcopo Cancellario nostro,⁷⁴ R. Londonensi,⁷⁵ et T. Dunelmensi,⁷⁶ Episcopis, Willelmo de Bohun Northamptoniæ et Willelmo de Clynton Huntingdoniæ⁷⁷ Comitibus, ac Radulfo Barone de Stafford,⁷⁸ et Johanne de Grey de Rotherfeld Seneschallo Hospitii nostri,⁷⁹ et aliis.

Datum per manum nostram apud Westmonasterium decimo die Novembris anno regni nostri Angliæ vicesimo tertio, regni vero nostri Franciæ decimo.

PER BREVE DE PRIVATO SIGILLO.

Translation.

*The Charter of King Edward III concerning St.
Giles' Fair, A.D. 1349.*

EDWARD by the grace of God King of England and France and Lord of Ireland, to the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justiciars, Sheriffs, Provosts, Ministers and all other his faithful Bailiffs, Greeting :

Know ye, that whereas the Lord William of renowned memory, erst King of England Our Ancestor, did grant by Charter unto God and St. Peter of the Old Minster of Winchester, and to the then Bishop of Winchester, a Fair at St. Giles' Church, on the hill to the east of the City, with all revenues and jurisdictions appertaining to himself within the City of Winchester, for three whole days :—viz., on St. Giles' Day, and the day before and after—to be held by him, with all its customs, as fully and freely as the King would hold it, were it his own And afterwards Henry of glorious memory, King of England, brother of King William, granted by Charter to God and St. Peter and St. Swythun of the Old Minster, and to William Giffard, then Bishop of Winchester, a Fair at the aforesaid church of St. Giles, with all revenue and jurisdictions belonging to him in Winchester, for eight whole days :—viz., for the three days granted by King William with five days subsequent ;—to hold it with all customs as fully and freely as the King would hold it, were it his own And

subsequently the Lord Stephen of famous memory, formerly King of England, Our Ancestor, also by Charter granted to God and to the Church of Winchester, and to Henry his brother, then Bishop of that See, and to all his successors, six full days additional to the Fair, so that in all it should last fourteen days ; Desiring and Enjoining that the Fair for all these fourteen days should have all customs, quittances, and liberties it used to enjoy within and without the City in the days of Henry I And the Lord Henry of good memory, formerly King of England, successor to King Stephen, Our ancestor, afterwards by Charter granted to God and to the said Church and to the then Bishop of the See eight days in augmentation of the Fair ; so that while in the time of his grandfather, Henry I, it lasted but eight days, it should thenceforth last sixteen, as it is in the said Charters which the Lord Edward, late King of England, Our Father, confirmed by his Charter, in which, for himself and his heirs, he granted to John, late Bishop, that although he and his predecessors might not have before used the said liberties, still he and his successors should thenceforth fully enjoy and use them, as is more fully set forth in the said Confirmation : And We also, at the instance of the venerable Father William of Edyndon, now Bishop of Winchester, who has represented to Us that he and his predecessors in the bishopric, by virtue of the above-named Charters and their general terms, and from the time the said Charters for the Fair were made and otherwise from time immemorial, had had their own Justiciars (styled the Pavilion-Justices, "*Justiciarii Pavilonis*") with cognisance of pleas and other business during the Fair, and the keys of the gates and watch and ward in Our City of Winchester throughout the period of the Fair, and also certain other liberties, immunities, and customs, and had exercised the same (however expressed, with fulness or not, in the Charters) freely and without challenge ; And We

having been prayed by him to be graciously pleased to reduce to writing in express language in a Charter such liberties, immunities, and customs as he and his predecessors had clearly enjoyed from time immemorial by virtue of these said Charters, confirmations, and general terms, and to grant to him and his successors, the exercise of these liberties for ever without let or hindrance: **¶** ~~¶~~ therefore, desiring to be more fully informed thereon, appointed as Commissioners our trusty and beloved William of Shareshull, John of St. Paul, William of Fifhide, and William of Overton, or any two or three of them, to get more completely at the truth of the matter by examining on oath good and lawful men of the county of Southampton, through whom the truth might be the better known: And as by means of this inquiry, made at our command by the Williams aforesaid and returned into our Chancery, it appears that the Bishops of Winchester, predecessors of the present Bishop, by virtue of the aforesaid royal grants, and of their general and kingly terms, and otherwise, have from time immemorial held, and this present Bishop doth now hold, this Fair on St. Giles' Down, during the said sixteen days; and as by reason of this Fair, and in virtue of the general and kingly terms aforesaid, this present Bishop and his predecessors have up to this time exercised the liberties and customs described hereafter, viz., that the Bishop for the time being has and ought to have his own Justiciaries, styled the Justiciaries of his Pavilion of the Fair, assigned by his Commission; and that these Justiciaries, year by year, at the opening of the Fair on the Vigil of St. Giles' Day, before or at or immediately after sunrise, are to ride to the Southgate of the City or to Kingsgate, as they think best, and are there to enter the City: and that at the Southgate the Mayor, Bailiffs, and Citizens shall meet them, and deliver over to them, as acting for the Bishop and as his officers, the keys and custody of that

gate ; and the Justiciaries shall, at their pleasure, set their own warders or porters there: thence they are to ride, all together, to the Westgate, and there the Mayor, Bailiffs, and Citizens shall, as above, deliver over to the Justiciaries the keys and custody of that gate, and the "Tron" of wool of the city ; and the Justiciaries shall set a warder or porter at this Gate, and shall cause the Fair to be proclaimed there in the following form : viz., Let no Merchant or other for these sixteen days, within a circuit of seven leagues round the Fair, sell, buy, or set out for sale, any merchandise in any place other than the Fair, under penalty of forfeiture of the goods to the Bishop : Then, after proclamation thus made, the Justiciaries, Mayor, Bailiffs, and Citizens are to ride to the Northgate, and there they shall deliver up the keys and custody of that Gate to the Justiciaries, as above : and the Justiciaries shall at their pleasure set there a warder or porter : and after this the Justiciaries shall make, at will, a similar proclamation there and elsewhere in the City, as often as they choose : and thence the Justiciaries, the Mayor, and the others are to ride together to the Eastgate, and the latter shall, in form as above, deliver up the keys and custody of that gate to the Justiciaries, saving the tolls and customs thence due and pertaining to the Abbess and Convent of the B.V.M. in Winchester and their successors and their church ; and thence the Justiciaries, Mayor, Bailiffs, and Citizens shall ride out together to the Bishop's Pavilion of the Fair on St. Giles' Hill outside the City ; after which, the Mayor, etc., can withdraw, and return as they please to the City : and thereon the said Justiciaries shall elect and appoint a Mayor and Bailiffs to serve in those offices in the City during the Fair, and also a Coroner to perform the duties of Coroner within the City during the Fair, who may be an alien or a citizen, at the pleasure of the said Justiciaries, and a Marshal to execute their decrees and to serve them as is fitting within and without the City. And the Bishop from the time that the keys and custody of the

Gates, as is aforesaid, have been delivered to him, shall, by his Justiciaries and other Ministers, have custody of the whole City, and cognisance of all pleas between the men and tenants of the City and all other persons, within a circuit of seven leagues round the Fair, regarding breaches of law, debts, and all contracts ; and also of pleas anyhow relating to all other men or merchants, whenever or wherever, at home or over sea, such contracts or agreements have been made, to be heard and held at the aforesaid Pavilion, provided however that some citizen or inhabitant of the aforesaid district must interpose in such suit within the specified period of time. And all personal suits begun before the Justiciaries from the opening of the Fair down to the Vigil of the Nativity of the B. V. M. (7th September) are to be carried on and regulated first by summons or attachment, and afterwards by distrains, as is usual in our Royal Court, and as occasions require, and from the Vigil of the Nativity of the B. V. M. to the end of the sixteen days aforesaid the process in regard of all such pleas and complaints, in accordance with ancient custom of the Fair from time immemorial, as is aforesaid, shall begin by distrain, and shall ever be continued by distrain from hour to hour and from day to day, at the discretion of the Justiciaries aforesaid, for swifter remedy to the complainants. And let both citizens and others be justiced and regulated in the same manner ; and if any parties submit themselves to inquest of office before the Justiciaries in causes of this kind or of any other kind within the cognisance of the Justiciaries of the Pavilion, orders shall be given to the Marshal to bring before the said Justiciaries such inquests, in case of both citizens and aliens, whether men of the Soke, or of the Fair, or merchants found in the Fair, whether citizens of Winchester or of London, or of any other place on this or that side of the sea, as may be needful. And when the jurors have come by due procedure, then, in the presence of the party or parties, they must take oath as

to those things concerning which they are to be charged by the Justiciaries: viz., by penalty of imprisonment or otherwise by fine, at the discretion of the Justiciaries, as is usual in our Royal Court before our Justiciaries; and this, whether they be citizens of Winchester or of London, or aliens. And after any one has been convicted in such inquests, or by his own cognisance, in any personal cause, he shall by judgment and precept of the Justiciaries be arrested and delivered over to the Marshal to be kept in custody, until satisfaction has been made to the other party and to the Court: And similarly, any who attempt rescue from the officers of the Bishop or his Justiciaries or their officers serving in the Fair or at the Pavilion, or within the seven-league circuit, or at Southampton, and who hinder them in carrying out the executions and precepts of the Justiciaries, be they men of Winchester or aliens, or men of Southampton or elsewhere, shall forthwith be arrested and taken to the Pavilion, where they shall be detained till they have paid a fine to the Bishop for their misconduct and for the rescue. And if they or any other persons are convicted and taken into custody, as aforesaid, at suit of any party or parties within the sixteen Fair days, and shall refuse to pay fine to the Bishop, and to make satisfaction to the party or parties as is fitting, then directly the sixteen days are over they shall be carried to Wolvesey, and there be detained in the Bishop's custody, till they have paid the fine and have made satisfaction, as aforesaid. And all actions as to debts between traders during the Fair, shall be held (and ever have been held) before the Justiciaries, by way of testing of tallies, in accordance with the Merchant Law, should the complainant desire it. And if any one whose goods are attached or distrained on before the Justiciaries at suit of any complainant, refuse to appear and to be justiced by them within the sixteen Fair days, then at the close of the sixteenth day, the goods and chattels thus attached distrained on or arrested, shall be appraised by good and

lawful men of the Soke of Winton on their oath, and shall be delivered over to the complainants in lieu of their debts and damages, at the discretion of the Justiciaries, if such distraint suffices ; if not, then the distraint shall be paid over for a portion only of the debt, more or less, according to the value of the goods distrained on. And this is customary for the men of Winchester and of London, and all other persons of whatever place. And all pleas begun before the Justiciaries and not concluded within the sixteen Fair days, shall at the close of the sixteenth day be adjourned to the Vigil of St. Giles' day in the following year. And let the same day be assigned for all parties in the same suit. And very many of the Bishop's tenants, who hold lands and tenements of him by service of making suit at the Pavilion, are bound to come, and shall come thither on each Vigil of St. Giles, before six in the morning, to make their suit of service at the Pavilion, and shall be prepared with horses and arms as often as may be needful. From among them the Justiciaries shall, at their pleasure, select three or four (or more or fewer, as they may see it will be needful) to serve and tarry in the Fair during its continuance, and to carry out the executions and precepts of the said Justiciaries in all places within the seven leagues, and at Southampton, as often as shall be needful for the safeguard of the peace and the Fair, and this at the wonted charges of the Bishop : So that, in fact, the said tenants may return and be prepared to do as is aforesaid as often as and whenever they are forewarned by the Justiciaries ; and while the Fair lasts, certain servants and officers shall be there, charged with the duty of writing down the pleas, receiving the complaints, and carrying out executions ordered by the Justiciaries ; these are the Chamberlain, Marshal, Porter, and divers other servants of the Fair, who, from all men who prosecute, or are distrained on, or are convicted, in causes before the Justiciaries, and in many other cases also, shall take the usual rewards or fees

reducible on reasonable cause at the discretion of the Bishop or his Justiciaries; as from time immemorial these officers have taken such fees by reason of their offices. And distrains ought to be reasonable and not too severe, at the discretion of the Justiciaries, and as the business coming before them may require. And during Fair-time the Marshal shall daily ride, immediately after sunset, through the midst of the Fair, and proclaim publicly that every trader is forthwith to shut his stall; and after this proclamation no one may sell, or offer for sale, any merchandise, and if he does so and is convicted, he shall pay a fine to the Bishop for it, at the discretion of the Justiciaries. And after this proclamation till the rising of the next day's sun, none but the Bishop's officers or his Justiciaries ought to move about in the Fair; and if anyone do so, forthwith he shall be taken by the officers and brought to the Pavilion, and pay fine as aforesaid. And no trader shall have any fire within the Fair by night, unless it be in lamp or mortar; and if anyone do otherwise, he shall be fined. And if any house within the barrier of the Fair be broken into or thrown down, so that anyone can pass thereby with goods for sale or purchase without paying of custom and toll, the man whose is the house shall be fined heavily at the discretion of the Justiciaries, and the goods thus removed without toll shall none the less be forfeited to the Bishop: And the Justiciaries and the Treasurer of the Bishop at Wolvesey for the time being, and the Clerk of the pleas shall yearly receive four basins and ewers, by way of fee (as they have received them of old time), from those traders from foreign parts, called "Dynamitters," who sell brazen vessels in the Fair: And the Mayor and Bailiffs of the City, after election as aforesaid by the Justiciaries, shall, at the mandate of the Justiciaries, make and are bound to make, summons, attachments of goods, distrains, and all manner of executions of all pleas and pleas tried in the Pavilion before the Justiciaries touching matters



arising within the City, without interference or hindrance from any citizen : And when citizens are summoned to the Pavilion before the Justiciaries during the sixteen Fair days, they shall not refuse, but shall come to do the things they are bound to do by the laws and customs of the Fair : So also the Aldermen and all Tithingmen of all tithings in the seven-league circuit are bound to come to every hue and cry and case of bloodshed, and if anything else occurs to break our peace within their wards and tithings, they shall arrest the culprits, and take from them (when-ever such can be had) security as to their abiding by the law and customs of the Fair, and they shall come to the Pavilion, and from day to day during Fair-time shall present to the Justiciaries such cases as may come up ; and the said Justiciaries shall proceed further by law and custom. And the Bishop shall have all such animals, goods, and chattels, styled *Waifs and Strays*, as may be found within the seven-league circuit. Also the Justiciaries at the opening of the Fair shall elect as Coroner some discreet man from among the Bishop's tenants who owe suit at the Pavilion, and shall take oath of him, that he will perform whatever pertains to the office of Coroner both within the Fair and in the seven-league circuit ; And this Coroner shall obey the orders of the said Justiciaries just as if they were Our Justiciaries : And the said Justiciaries shall hold all the pleas of the Crown, whether by appeals or by indications arising out of the facts, within the aforesaid precinct, and shall pass judgment thereon and take execution during the Fair, as Our Justiciaries do in like case elsewhere in our realm of England. And though Southampton is more than seven leagues distant from the Fair, still the Justiciaries shall send an Officer of the Bishop's Pavilion, the Marshal, thither each year on the Vigil of the Nativity of the B. V. M., or before or after, as they will, to proclaim there that no man shall at that time sell or buy goods or weigh or poise merchandise or goods

for sale in Southampton, excepting victuals, under pain of forfeiture of the goods and merchandise to the Bishop, but that all traders shall bring their goods and merchandise to the Fair, as is more fully laid down in a certain composition between Aymer, formerly Bishop-Elect of Winchester, and the Community of the town of Southampton, and confirmed by Charter of Henry, King of England. And these Justiciaries shall place guards or officers at Stockbridge bridge, at Romsey, Redbridge, Crabwood, Hursley, Mainsbridge, Otterbourne, Kingbridge, Curbridge, Alresford, and at divers other places, to levy tolls and customs on the merchandise and saleable goods passing over these bridges and other places, for the benefit of the Bishop, in such manner and form as they are levied in the Fair, in the City, and in the seven-league circuit, during Fair-time. And no tradesman of Winchester or other man shall sell or offer for sale any merchandise or goods in the City during the sixteen days of the Fair ; and, if they do, such goods shall be forfeited to the Bishop. Nor shall any one keep open stall during this period in the City, and no pedlar of small goods, such as purses, gloves, knives, etc., shall, without paying such fine to the Bishop as the Justiciaries or other the Bishop's deputies may think fit, open his pack to sell or show such goods : and the Justiciaries or their deputies shall, on the first day of the Fair, move all sellers of food in the City with their victuals from their usual places to other appointed spots outside the City, and there, and nowhere else, shall they sell ; And all bakers, butchers, and fishmongers of the City shall in the beginning of the Fair repair to the Pavilion, and from among them the Justiciaries shall appoint the most competent lawful and discreet men to serve those who come to the Fair with wholesome, useful, and sufficient victuals, and shall take their oaths thereunto : So that if any food be found to be tainted, its owners shall forfeit it entirely, and be none the less heavily fined by the Justiciaries. And the Bishop shall have cognisance

of all pleas of fresh force and of intrusions from houses within the city, and shall under authority of our Letter Patent hold courts of pleas as to lands and houses in the City and within the seven leagues, and shall have cognisance of the said pleas before the Justiciaries at suit of any who may desire to prosecute or lodge complaint with them, and they shall give judgments and make executions as the cases demand. And all Lords and others who have the right to hold Court Baron within the seven leagues are bound to come and have of old been wont to come and appear at the beginning of the Fair before the Justiciaries in the Pavilion, and ask leave of the Justiciaries to hold their own Courts and Pleas therein during the Fair. And the Justiciaries shall grant them leave, on fine or otherwise, as shall seem good to them : and no Lord or other shall hold Court in any other way in the district in Fair-time, nor has ever done so from time immemorial, without leave thus granted. And if they do, let them be fined at the discretion of the Justiciaries. And though We Ourselves or the Seneschal of Our Household and Our Marshals were to come within the said precinct in Fair-time, still the Justiciaries shall hold all Pleas and whatever else pertains to the liberties of the Bishop and his Fair, even though the Fair and its precinct were at the time within our royal Virgate: So that directly our Seneschal and Marshal, or those who hold the Marshal's Court, are forewarned by the Justiciaries, they shall withdraw from the precinct, and shall forbear to do or exercise anything pertaining to the Marshal's office within that precinct during the Fair : And the Justiciaries, acting in the name of the Bishop, shall set up and establish an Assize of bread, wine, beer, and other victuals in the city and Fair and seven-league circuit during the sixteen days : And the Bishop's servants shall take and carry to the Pavilion, and in presence of the Justiciaries prove and assay all measures, balances, weights, and ell-wands of the City, of the Fair, and the seven-league circuit : And more-

And the said Justiciaries shall cause weights and ell-wands to be made and used as and shall find to the Bishop's pleasure, and the same shall be used from Fair-time. And no merchant or person shall bring any member of his Merchant Guild to the Fair with his merchandise and wares after the said Fair-time, but he shall have a fine to be paid to the Bishop's Justiciaries. And the Justiciaries, within the sixteen days after the said Fair-time, shall take one by the weight and one by the measure and one by the taste one by the colour and one by the smell, where they may, and if they find any such to be unwholesome, they shall cut off the ears of their heads, and heavily punish them, and the same shall be paid to the Bishop : And the Justiciaries shall cause the craftsmen or artificers of the said Fair to be called elsewhere save within the said Fair-time. And the Justiciaries shall cause the Bishop's servants, as often as they shall require, to eat or two of every kind of bread to be brought up to the Pavilion, where the servants shall eat, and if they prove short, they shall be punished, and the baker be put in the Pillory, or otherwise at the discretion of the Justiciaries. And the Justiciaries shall take toll or custom at the said Fair of every load of firewood or charcoal for the said Fair, and one portion of the same, and a penny for every load for sale, and a farthing for every load by a man, and for every cartload of hay or straw one penny, and for every cartload of such hay or straw for sale one penny, and for every cartload of goods for sale one penny, and during the sixteen days two-pennies for every load of bread in the top of the High Pavement, and during Fair-time, a halfpenny ; for

every bale of wool sold by license of the Justiciaries within the city walls, for the Bishop's weigh-money, four-pence, and for the weigher's fee, a penny from the seller and a penny from the buyer, and from all workmanship and small wares sold in the city they take and during Fair-time have ever taken in the City the usual tolls and customs. Moreover, the Bishop levies and has ever levied the following tolls and customs from all merchandise and goods for sale which are brought to the Fair before the feast of the Nativity of the B. V. M., viz., for one bale of *Avoirdepoyes*, and every pack of mercery, two-pence ; for every piece of whole wax, two-pence ; for every burden borne by a man, one penny ; for every small pack of cloth and *Avoirdepoyes* carried by a man, a halfpenny ; and if two have one bale of such wares, each shall pay two-pence : For every cartload of merchandise not in bales, such as fish, leather, iron, or any other goods, or for one bale of any kind of wares carried in a cart, four-pence ; for a falcon sold, four-pence ; a ferret, four-pence ; an ape, four-pence ; a bear, four-pence ; a dealer, two-pence ; for hurdles brought as a load, a halfpenny ; for a cask of wine and cider, four-pence : for a load of hay or corn, a halfpenny ; for a carpet-maker, for the whole of the Fair, a penny ; for a raw hide, a halfpenny ; for a tanner, four-pence ; if thirteen geese be sold, one of them : And none shall be quit of such toll, save the merchants and citizens of London, Winchester, and the Honour of Wallingford, and this from the beginning of the Fair to the Nativity of the B. V. M. And if these merchants and citizens of London and Winchester, or any other man or merchant, take any goods through the Fair for sale after that day, they shall pay fine before the Justiciaries for such wares, and if they refuse, their wares shall be distrained on, and they shall so be compelled. And whereas the Bishop of Winchester and his predecessors by virtue of the aforesaid Charters or otherwise from time immemorial have hitherto fully and quietly, without contradiction or hindrance, enjoyed during the sixteen

Fair days all the customs and liberties above named, as well as all other liberties and customs belonging to the Fair, not above specified or remembered ; And although Our Father [Edward II] by another Charter had granted to John, Bishop of Winchester, predecessor of the present Bishop, leave for himself and his successors for ever to hold yearly in the aforesaid place a Fair for four and twenty days, viz., for the above sixteen days, and the eight days next following, with the liberties and free customs belonging thereto, but neither the present Bishop nor his predecessors have exercised any other liberties and customs during the additional eight days in that Fair, save those belonging to the Fair and commonly in use in respect to Fairs in this realm of England : ~~We~~, guided by our pious desire for the glory of God and the honour of the Church of Winchester, and from our sincere devotion towards SS. Peter and Paul, in whose honour the Church is consecrated, and all the more willingly in the days of this present Bishop William of Edyndon, and after contemplation of his person, do desire to secure to him, and to this Church entrusted to his rule and to his successors, all quietude and tranquil prosperity, seeing we have known that for a long time past he has prudently usefully and with ceaseless and careful toil laboured at our royal and national affairs, and has with all faithful service and obedience conducted our business ; And seeing that the Church of Winchester, founded by our progenitors, is of our patronage, We of Our peculiar grace do accept, approve, and confirm all and singular the liberties, immunities, and customs aforesaid, which are noted down and have appeared on the aforesaid enquiry ; And lest through growth of human badness and lapse of memory, these should hereafter become doubtful or be challenged and subtly disputed, and rather that they may surely and indubitably remain and last for ever, We for ourselves and our heirs have fully granted, and by this our Charter have confirmed to the said Bishop William and to his Church

the perpetual enjoyment during the sixteen Fair-days for himself and his successors of all and singular the liberties, immunities, and customs aforesaid ; which he shall enjoy and exercise freely, quietly, and completely, without let or disturbance or contradiction of Ourselves or Our heirs, Our Justiciaries, Sheriffs, or Officers of any kind. We moreover will and grant, for Ourselves and Our heirs, that the said Bishop and his successors shall enjoy all other liberties and customs, which he and his predecessors, by virtue of the aforesaid Charter and of the general terms of the same, and of the Fair aforesaid, have exercised, though not specified above, but neglected perchance and omitted in the above-mentioned Enquiry ; and that they shall exercise the same even as the present Bishop and his predecessors have hitherto exercised and enjoyed them.

Witnesses : the Venerable Fathers J. Bishop of St. David's, Our Chancellor ; R. Bishop of London ; T. Bishop of Durham ; William of Bohun, Earl of Northampton ; William of Clynton, Earl of Huntingdon ; Ralph, Baron of Stafford ; and John of Grey of Rotherfield, Seneschal of Our Houshold, and others.

Given under Our hand at Westminster, this 10th day of November, in the year of Our reign in England the twenty-third, and of Our reign in France the tenth.

BY WRIT OF PRIVY SEAL.

Notes.

The vertical lines which occur in the text indicate the divisions of the lines in the original MS.

I have followed the punctuation of the MS., which is rather peculiar. The scribe apparently used five marks, in a rather arbitrary fashion: (1) the point (.), placed either at the bottom or in the middle of a line; (2) the colon (:), which occurs very rarely, being perhaps only one or two faint examples of (3) a kind of semi-colon, the commonest mark of all (!), a point with a flourish above it; I have represented this in the text by a semi-colon reversed (!); (4) a straight vertical line between two words (|), occurring only in enumerations of things, as "Justiciarii | Major | Ballivi"; this I have rendered by a comma, and lastly (5) a faint bracket (()) at the beginning of parenthetical sentences; the answering bracket appears not to have been used. Before the word "Episcopus" the scribe usually makes two dots, (thus, - - Epus,) as a mark of respect, in lieu of the Christian name.

1. *Vicecomitibus*.—Sheriffs. The dignity of "Viscount" in England did not appear till late, and "was a novelty in the fifteenth century; the first English peer who bore the title being the Viscount of Beaumont, John, a lineal descendent of that Henry of Beaumont, who took so prominent a part in the history of Edward II." Even in his case the title was not English, but that of the French Viscounts of Beaumont in Maine. Bp. Stubbs, C. H., III, pp. 471, 472. The Office of Vicecomes was in existence much earlier, the word being used for the representative of the Comes, or for the royal officer (as here) appointed yearly to be a Sheriff in town or county. Fortescue gives us a long definition of his place and duties. (De Laudibus, ch. 24.)

2. *Sancto Petro veteris monasterii*.—The old Minster was dedicated to St. Peter and St. Paul, to SS. Birinus and Swithun, and afterwards in 1541 was named the Church of the Holy Trinity by Henry VIII.

3. *Tunc Wyntoniensi Episcopo*.—This was Bishop Walkelin, cousin of William the Conqueror, to whom William Rufus first granted the proceeds of this Fair in 1096.

4. *Ad ecclesiam Sancti Egidii quæ sita est in monte orientali Wynlon:*

The Church of St. Giles stood a little distance back on the very top of the hill, and the Churchyard sloped somewhat towards the north, not towards the city. It was apparently first a Parish Church, and later, perhaps after the great fire of 1231, only a Chapel. It must have always been a small place, for it does not appear in the list of Churches or Chapels in the Register of John of Pontoise, nor is it in the list of taxed or untaxed Churches of the time of Pope Nicholas IV. It was still standing in the reign of Henry VIII; for Leland, quoted by Milner, says, "The Chapelle of St. Gyles sumtyme, as apperith, hath been a far bigger thyng" (*Itin.* iii. 101). There being little or no population attached to this ancient place, it was allowed to fall into ruin, and finally suffered the fate of many interesting pieces of architecture in Winchester: building materials, especially stone, being valuable, it was entirely taken away, and used up in some other construction. Nothing has been so great an enemy to ancient Winchester as the unfortunately high value of stone and lead.

5. *Willelmo Giffard*:—He was Bishop Walkelin's successor, Walkelin died in 1098, and the See lay vacant till the accession of Henry I. No sooner was that prince seated on the throne than he named Giffard, his Chancellor, a man of excellent parts and character, to the bishopric, as we find it in the A.S. Chronicle (anno 1100) "and syðþan he bebyrged wæs. þa witan þe þa neh handa wæron. his broðer Heanrig to cynges gecuran. and he pær rihte þat bisc'rice on Win ceast' Will'me Giffarde geaf." Seven years, however, passed before the new bishop was able to get firmly into his seat, to receive consecration, and exercise his proper jurisdiction as Bishop. 'The great Investitures' controversy was then at its height; and Giffard, the King's friend and nominee, was not likely to be regarded with much favour by the Pope or by Anselm, Archbishop of Canterbury, who took the clerical against the royal side in this hot controversy. Henry ordered Giffard to receive his consecration from Gerard, Archbishop of York, who would have been well pleased to gratify his master, and to have an excuse for exercising authority within the jurisdiction of Canterbury. But Giffard

1113, and in 1113 he had to leave the country, and take refuge in Normandy. Hence he returned, the Annals of Winchester tell us, "to his monastery, though it was despoiled of all its wealth, and almost ruined." It was not till 1117 that Giffard and the Bishop of Exeter were reconciled by Anselm, in the same year in which, somewhat later, he was overthrown. Giffard was a strong man, and did not shrink from quarrelling with his neighbours. The monks of St. Swithun in Dorset were ordered to "turn the heads of their crucifixes in the face of the king and the feet up"—their weapon of war!—and to "have crucifixes in the triforium of Walkelin's Church, no doubt) set up and facing the sun," the full force of which terrible epithet is conveyed only by old Portwine drinkers. The cause of quarrel was the right-handed way in which the Bishop had seized on the churches and manors of St. Swithun. In this dispute, the king supported the monks, while almost all the great lords went with the bishop, the nobles of the day. Not till 1124 was the quarrel made up, when, according to the king, both parties met in the Chapter-house; when, as the monks were made to kneel (so as to show no signs of fear), the monks struck the king's sandals and fell prostrate at his feet; and he in return gave them all they demanded, and confirmed by his charter all the churches and many other good things in which they were interested. These things we are told in the Annals of Winchester. The monks completely won the day. Four years or so later, the king died, and was succeeded by Henry of Blois, the brother of King Stephen. Through Giffard's action that the New Minster was removed from the Cathedral Churchyard to its new home in 1124.

Letter of Henry of Blois to Episcopo fratri suo:—Henry of Blois, King of England, wrote this letter to Giffard when Giffard died, and was the last letter he wrote as Bishop. In the bad days of the strife between King Stephen and King Stephen, the Pope named him his legate, and he was sent to make peace. After the defeat and death of King Stephen, King Henry came down to Winchester, and the

Legate and most of the great men of England did homage to her. London, however, was never really reconciled to her; and shortly after disagreement broke out between the Empress and the Legate. She held the Castle and the northern and east side of the City, while Henry of Blois was in Wolvesey and was helped by the western and southern side of the town and the Londoners: so that the High Street was (roughly speaking) the dividing line, the North and East side going with the Empress, the South and West with the Bishop. The destruction by fire of everything north of the High Street was the immediate consequence; Hyde Abbey, too, was burnt down, and King Cnut's famous silver and gold Cross, the picture of which is preserved to us in one of the illuminations of the Hyde Register. Had it not been for the intervention of Robert, Earl of Gloucester, the Annals of Winchester tell us, the Church of St. Swithun would have also perished: for "he spared it, when, had he chose, he might easily have burnt it." Soon after achieving all this mischief, the ambitious Prelate, in constant variance with the See of Canterbury, went off to Rome to see whether he could persuade the Pope to raise Winchester into an Archbishopric, with a new Bishopric at Hyde Abbey. The death of the Pope brought this scheme to naught. In his later years the turbulence of Bishop Henry was tamed down, and he became notable for self-denial and charity; so that as a man regards the earlier or the later period of his episcopate, so he will draw him as quarrelsome, fierce, and ambitious, or as a pious, virtuous, and beneficent prelate. He died in 1171. "Never was there a more chaste or prudent man, never one more pitiful, or more anxious to beautify and enlarge the property of the Church; he migrated to the Lord whom he had loved with all his heart, and whose ministers, that is to say, the monks and religious persons, he had honoured as the Lord himself; his soul doth lie in Abraham's bosom." The Monk who pens these lines had seen the later years of the Bishop's life, and had let them, as with a kind of sunset light, gild the harsh features of the earlier day.

7. *Actunc Episcopo dicti loci*:—During the reign of Henry II there were only two Bishops of Winchester:—Henry of Blois, 1129—

1171, and Richard Toclive, 1174—1188. It is therefore probable (in the absence of any date to the Charter) that the grant of the additional eight days was made to Bishop Richard: he lies buried on the north side of the Cathedral Choir.

8. *Johanni nuper Episcopo*.—There were two Johns, Bishops of Winchester in the reign of Edward II, John Sendale (from 1316 to 1319) and John Stratford (1323—1348); and as we know from one of the Winchester MSS. (quoted in the Introduction) that John Sendale was active in the matter of the Fair, it was probably to him that it was granted. John Sendale had been a Canon of York, then Treasurer, then Chancellor, of England. "He is recorded," says Milner, "not for anything that he performed in the Diocese, but only for what he neglected to perform." He was little here, was overwhelmed with debts, contracted to help the King in his Scottish War; the Diocese had to take care of itself; and as he had lived in London, so he was buried there in St. Mary Overy Church.

9. *Willelmi de Edyngton*.—This was the famous Prelate, who holds a special place in the history of Architecture as the father of the Perpendicular Style. He was an ecclesiastic of probity and ability, who had been Treasurer to Edward III; and, as we gather from this Charter, highly esteemed by the King for his faithful and provident management of the royal affairs. He was made Bishop in 1346, first Prelate of the new Order of the Garter in 1350, raised in 1357 to the dignity of Chancellor, and in 1366 elected Archbishop of Canterbury, though he refused to desert Winchester; in that same year he died. He refashioned, and in great part rebuilt, the west front of the Cathedral, and the first and second bays of the Nave; and at his death left a large sum of money to carry on the work, which was nobly continued, on lines of greater dignity and power, by William of Wykeham. His Chantry, containing his effigy, is between two of the piers of the Nave on the south side, hard by the entrance into the Choir.

10. *Justiciarii Pavilonis*:—The Justiciaries or Justices of the Pavilion on the top of the Hill. The name for the Justiciar in the Laws of Edward the Confessor is the abstract “Justitia”:—“adsit ad placitum *Justitia* regis”; “minister episcopi cum clericis suis, et *Justitia* regis cum legalibus hominibus provinciæ illius.” So also in Stephen’s time:—“Stephanus, Dei gratia rex Anglorum, *Justitiis*, Vicecomitibus, Baronibus.” Henry II employs the verb “*justiciare*,” and the subst. “*justiciarius*,” using the latter term of Ranulf Glanville; he has also “Justitia” for a judge. The Norman Kings, finding themselves often across the seas, appointed an officer to act as regent or lieutenant of the realm in their absence, and he is also styled the Justiciary: thus Roger of Salisbury was Justiciary from 1107 to his death. The word is rather obscure of application: it was used in a general way, apparently including all landowners who possessed courts of their own; it is also applied to the Sheriffs, though here it rather takes the form *justicia*; also to officers in the King’s Court; as when Stephen calls Miles of Gloucester his “baro et justiciarius.”—See Bp. Stubbs, C. H. I, pp. 392—398, and note to p. 440.—(Ed. 1880.) The King’s Justiciary, the Justiciarius Capitalis, was in the beginning, the supreme Judge, who heard the King’s proper causes, in the King’s stead, and all cases which ought to be heard before the King. Under him were the other “Justiciarii,” the Judges who went on circuit in the King’s name. From them the title was granted to these Judges of the Bishop’s Fair-Court.

The word “Pavilion” is one of those incarnate metaphors which are not uncommon in the history of languages: from a fancied resemblance between an outspread tent and the wings of a butterfly, the word “papilionem,” corrupted to “pavilionem,” came in the twelfth century to signify a tent in the French form *paveillon* or *pavillon*, whence it crossed over to England, as *pavilion*.

The Pavilion Court, Pavilonis Aula, on St. Giles’ Hill stood where “Palm Hall,” a name corrupted from it, now stands; and was a tent in which the Bishop’s Justiciaries dispensed summary, or well-nigh summary, justice in all cases which came before them during Fair-time from the Fair itself, the City of Winchester, Southampton, or any

the word the "even-ledge" whether between natives or
foreigners. Thence give directions for the work of this Court.
The Justices were to follow the procedure of the Royal Courts;
the Court sitting at the close of the Fair was to be adjourned
the following week on the eve of St. Peter's Day. The Justiciaries
were to nominate the important Barons and Officers; to appoint a
chief Marshal, and to get some of the tenants to keep order;
to select men and women in the Fair to appoint trusty men
to receive demands in the Fair for the tolls and customs;
to appoint men, farmers and generally to keep order within
the Fair. This Fair was a proper "Peppowder Court." The
Court was held in Norman Law-French; it is the old
Court of the Fair, so styled from its summary jurisdiction
over the Fair-folk and countrymen. That this is
the name for "the lowest and at the
most of the Courts of Justice known to the law
of the Middle Ages" (it is shewn by the phrase
"Ancient and fairland man or *Dustifute*": and
our Justiciaries of the Fair held
it is interesting to note that Plutarch, in the opening
of his *Life of Alcibiades*, tells us that a similar phrase existed in Greece,
"ἐπὶ τῷ ἀγορῆ καὶ ἀπρυνόι,"—the latter being the
country-folk. Bailey's Dictionary has "*Piepowder*
Court, or *Dusty-foot Court*], a Court held in
the *Peppowder Fair* in West Smithfield, London) to
decide disputes and to redress Disorders committed in
the Fair. It is a court of record, incident to
the Fair. No court exists now.

members in their own Courts. The word "placita" came to be used in the sense of "pleas," because in Low Latin the form in which the edicts of a king ran was "quia tale est placitum nostrum," in the French "car tel est nostre plaisir," "Such is our good pleasure." Thence the word came to mean a public assembly; as in a Charter of King Hlothair (847), "In conventu venerabilium Episcoporum—in generali Placito hanc Epistolam roboravimus." The Placita Coronæ were the suits of which the King's Justiciaries took cognisance, as appertaining to the King alone, and a Bishop's Placita were the suits the judgment in which pertained to his office. These were the "pleas" which were delegated by the Bishop of Winchester to his Justiciaries of the Piepowder Court. The Servitium Placiti is the vassal's service due to his feudal lord, when the latter holds his court of pleas or assizes. The medieval "placitum" never took the sense of the modern English conversational term "plea," which is come to mean simply a legal argument, and even an appeal for mercy.

12. *Vellemus* :—This subjunctive is ruled by the "supplicantis ut" above.

13. *Willelmum de Shareshull, Johannem de Sancto Paulo, Willelmum de Fifhide, et Willelmum de Overton* :—Sir William of Shareshull was born at Shareshull, in Staffordshire; he was a judge of the King's Bench in 1333; and his name occurs twice in a Roll of the Receiver of St. Swithun's Priory for 1334, 1335, as being then the King's Justiciar at Winchester. In 1344 he was Chief Baron of the Exchequer; in 1350 he was advanced to the head of the Court of King's Bench, over which he presided till 1357.

John of St. Paul was made Master of the Rolls in 1337, in 1346 Archdeacon of Cornwall, and elected in 1349, the year of our Charter, Archbishop of Dublin, though he was not consecrated (by Edyngton) till 1350.

William of Fifhide was an important personage in the county during the reign of Edward III, and held several manors in Hants.

Sir William of Overton, Knight, was also an important Hampshire man. In 1343 he was one of the Knights of the Shire; in 1344 Sheriff of the county and Constable of Winchester Castle: he held a number of manors in the county. Like his fellow commissioner, William of Fifhide, he fell a victim to the second great pestilence in 1361.

14. *Major, Ballivi, et Cives*:—The Civic constitution under the Norman Kings had been by a *præpositus* (provost, wic-reeve, or port-reeve), *burgenses*, or more fully, *burgenses boni, boni cives*, or *probi homines*—(this latter phrase appearing in our Charter, line 10, “per sacramentum *proborum et legalium hominum*”) and *guilds*, of which the most distinguished was the Merchant Guild. The first authentic notice of a Mayor is in the reign of King John; though for a long time the title was still *Præpositus* (with two bailiffs): as was the case in the year 1269. (See Woodward’s Hampshire i. p. 275.) So that the form we have in our Charter is in essence the same with that of King John’s Letters Patent, in which he speaks of “Mayor and Citizens” only—the Bailiffs being simply the successors and representatives of the *præpositi*, while the Mayor was a more dignified officer, later in origin than Norman times. It is possible that the office may date from the year 1184.

15. *Ad portam occidentalem*:—to Westgate:—Westgate and Kingsgate are the only gates now standing. Westgate is said to have been built in the reign of Henry III, so that the Justiciaries and the Civic authorities of our Charter must have visited this very gate.

16. *Tronum lanæ*:—The “Tron” or weighing-beam. *Tronum* is a low-Latin form of “trutina,” a scale, or measure.

17. *Per septem leucas in circuitu feriæ illius*:—for a circuit round the Fair of which the radius is seven “leagues” long, as is shewn by the list of places at which guards were placed; see below, note 48. Leuca, or leuga, a league, was and is a French measure of distance, of Gallic origin, says Hesychius, λευγή, μέτρον τι Γαλατικόν. Jornandes gives its length; “Leuga autem Gallica mille et quingentorum passuum quantitate metitur”—or “Miliarius et dimidius apud Gallos

Leuam facit": this was in some sense "a mile and a half," though, probably, it was something under that. Our Charter expressly says that Southampton, which is twelve miles away from Winchester, was outside the "seven-league" circuit, and if we take the "leuca" at a mile and a half, the circuit would have a radius of $10\frac{1}{2}$ miles.

18. *Forisfactura* :—means "anything done outside what is right," a crime, offence. As a feudal law-term, it specially signified the violation by a vassal of his faith and homage ; whence it came to mean the penalty of *forfeiture*, or loss of one's position or goods through such misconduct.

19. *Theloniis* :—Toll. Theloneum=tolnetum : "A payment in markets, towns, and fairs, for goods and cattle bought and sold. Also, any manner of custom, subsidy, impost, or fine taken of the burgher for importing or exporting wares." It is of Greek origin, probably scriptural, from *τελωνεῖον* : *τελώνης* is the "Publican" of the A.V., the man who levies the *τέλη*, dues.

20. *Abbatissæ et conventui B.M. Wynton* :—This was the ancient Nunna-menstre, which was founded, with the New Minster, by Alfred the Great and Elswitha, his Queen, and completed by his son, Edward the Elder. This house had the curious fortune of being refounded, A.D. 1536, by a Charter of Henry VIII : the new life thus granted lasted about four years. It was a Benedictine Convent, and stood a little to the north of east of the Cathedral, between the Close and the river : the site is still marked by the "Abbey Mills."

21. *Unum coronatorem* :—a Coroner ; so called because originally the Coroner had to do with, and in the King's absence to keep, the *Placita Coronæ*, the Crown Pleas, and "in this light," says Blackstone (I., 341, Ed. Kerr), following Spelman, "the Lord Chief Justice of the King's Bench is the principal Coroner of the Kingdom." It was a specially English office, having authority to make Inquest as to death and also jurisdiction over questions of shipwreck, treasure-trove, etc. Cities and counties elect their own Coroners, and this privilege of the Justiciaries of the Fair-Court was another hardship inflicted on the town.

Coroners were first regularly instituted by Richard I in the "Iter" of 1194.

22. *Marshallum*:—a Marshal, the ancient *hors-thegn*, from *mar*, a horse (of which we retain the feminine *mare*) and *scalc*, a servant.

The Marshal was one of the four necessary servants or officers of the ancient Frankish Kingdom: he had charge of the horses. The office became hereditary, and therefore sank into insignificance; for as Bishop Stubbs says (C. H. I. p. 391) "only those offices which escape the dangers of hereditary transmission continue to have a real constitutional importance." The Marshal and the Constable (comes stabuli, the Earl of the Stables) or *Staller* seem to have had almost identical duties. In later times the Marshal's functions appear to have been ill-defined, and were often resisted and protested against. He held a half-private, half-public court, existing for certain specific causes; matters of Heraldry, etc., came before it. Originally, it was a distinct jurisdiction, administering justice between the King's domestic servants, lest by being drawn into other Courts they should be lost to the King's service. The Marshal of our Justiciaries had, no doubt, somewhat similar duties, being however rather an Executive Officer entrusted with the duty of carrying out the judgments of the Pavilion Court, with no court of his own.

23. *Per summonitionem et attachiamentum et postea per districtiones*:—by summons and attachment, and after these by distraint. In legal parlance, it is a "writ of summons," *i.e.*, a document warning and ordering a person to appear, and then leaving it to the person so "summonitus" to neglect it at his peril; and this summons was given by the proper officer verbally. "Attachiamentum" was actual seizure, by legal process, of either goods or persons, and followed after disobedience to the summons. The defendant was obliged to find safe pledges or sureties, who were fined if he failed to appear. If, however, the defendant was still obdurate and failed to appear, he not only forfeited his security, but was next compelled by writ of "distringas," or "distress infinite," the proper officer being thereby empowered to distrain on his lands or goods, which by the common

law he forfeited. This process of the King's Courts was ordered to be specially followed in the Pavilion Court, "prout in Curia nostra regia usitatum est."

24. *Si partes aliquæ in inquisitionem se posuerint*:—and if any party in a case shall have submitted to an inquest of office; *i.e.*, to an enquiry (see Kerr's Blackstone, III, 266) made by the proper officer for the case concerning any matter which may concern the Bishop in the Fair, "as to lands or tenements, goods or chattels. This is done with a jury of no determinate number; being either twelve, or less, or more.'

25. *De Soka*:—of the Soke. A Soke was originally a liberty, privilege, or franchise, granted by the King to a subject, whence it came to signify the area within which such franchise, etc., might be exercised. At Winchester, a large part of the town (as may be shewn by Rolls of the Soke in the possession of the Dean and Chapter) lying to East and South was called "the Soke"; and that portion of the district which was nearest the Fair-ground, the East Soke, was a long and narrow suburb, confined between the river and St. Giles' Hill; through it Cheesehill Street runs. The rest of the Soke was beyond the College, Kingsgate Street, etc.; in fact it was everything outside the City-walls. It comprised the parishes of St. Michael and St. Swithun, with part of St. Faith and St. Thomas, part of Chilcomb, the "Vill of Milland," St. Peter's Cheesehill, St. John's, and part of St. Bartholomew Hyde. The name of East Soke is still sometimes employed.

26. *Imprisonamentum*:—Imprisonment, a low Latin law term. The French *prison* is a form of the Latin "prehensionem"; the "-amentum" termination is formed naturally on the lines of all other words with that ending.

27. *Attachietur per corpus suum*:—he shall be personally arrested. The origin of the word *attachietur* is altogether uncertain: Littré suggests the Gaelic *tac* (a nail, tin-tack).

28. *Qui rescussum faciunt*:—who rescue a prisoner. *Rescussus* is a derivative of Low Latin *rescutere*, *i.e.*, re-excutere, to drive away again.

Du Cange has an appreciative note on it: "*Rescussus*, Anglicis practicus est tumultuosa et violenta ereptio arestati e manibus ejus qui licite eundem cepit."

29. *Vel apud Suthampton*:—Southampton was from very early days a seaport of the highest importance, both from its splendid advantages of harbourage and shelter, and also from its position over against the Norman coast. The town was the natural port of Winchester, its Piræus in old times: and it is therefore clear that, with a view to St. Giles' Fair, the traffic of the town had to be regulated carefully, even though it was outside the "seven-league circuit."

30. *Quousque finem fecerint*:—till they have paid the penalty or fine. *Finis* is defined as "a payment made to procure the end of a suit, (not a pecuniary mulct), or a payment for leave to sell goods at a Fair." Here, however, it bears the modern English sense. In the Law Books a Fine in the proper legal sense is described as "an acknowledgment of a feoffment on record," and was so called because it brought to an end all suits, actual or possible, respecting any matter. In the case of land the word was specially used of the *fine sur done, grant, et render*, after payment of which freehold land was again surrendered to the tenant who went on occupying it as before for another period of years.

31. *Ad sectam partium seu partis convicti*:—convicted at the suit of any party or parties. *Secta* is a technical term of the English Law. Thus "*Secta Curiae*" is a suit at or to Court, the feudatory being bound to attend his Lord's Court; also the right of prosecuting anyone, or bringing against him a *suit*, and so in this place. There is another curious usage of the word, which has survived in our "*Suit of clothes*." It is taken for the livery or distinctive dress which marks one class of society from another. Thus Fortescue has "*ultra hos ipsi dant annulos aliis amicis suis, similiter et libratam magnam panni unius Sectæ*." (Also of other things beside clothes, as in "*duo potella, unum de una Secta*," "two pottles of one *set*.") In all these things it is a specially English usage. There are examples of *Secta*=livery, in our Charter. In line 29 we have "*Servitium faciendi sectam*"=duty of making suit, attendance on the Court of the Pavilion.

32. *Apud Wolveseye*.:—at Wolvesey (*i.e.*, Ulf's-isle), the palace and castle of the Bishops, standing hard by the river in the S.E. corner of the city, and forming the angle of the walls. It was a place of very considerable strength and splendour in late Norman days; having been built in the time of the great outburst of English Castle-building, by Henry of Blois, in 1138. Giraldus Cambrensis affirms that the Bishop was allowed to take for it great part of the remains of the Castle of William the Conqueror, on the other side of the Cathedral. The main gateway looked north and communicated probably with Colebrook Street, so that the distance (over the Soke bridge) to the Fair must have been very short. The Annals of Winchester (anno 1138) tell us it was strong; "*fecit Henricus Episcopus ædificare domum quasi palatium cum turri fortissima in Wintonia.*" Here the bishop's treasurer and others had their head-quarters, and in the "*turris fortissima*" no doubt those who were turbulent were shut up after the close of the Fair.

33. *Per probationes talliarum*.:—by testing of tallies—(*tallia* here is quite different in sense from that "*tallia*," or taxation, which a lord could levy from his tenants or vassals, whence the French *taille* and the Low Latin *talliagium*). A "*tally*," was a piece of wood some inches long, notched first and then split down the middle; the one part being given to the buyer and the other part kept by the seller. And these "*probations of tallies*" meant the bringing the two parts together, and seeing whether they corresponded exactly, or had been tampered with. The word is not entirely obsolete as a substantive; the verb is still in general use.

34. *Secundum legem mercatoriam*.:—after the usage of merchants, in the matter of testing tallies. There is apparently no reference here to the "*Merchant Law*" or Charter of 1303.

35. *Bona et catalla*.:—goods and chattels. Sir Edward Coke affirms that "*chattels*" and "*goods*" are the same thing, *chattels* being the French word and *goods* the English. It is personal estate of whatever kind, as opposed to *real* estate. In the Law Books we find (1) *Chattels real*, used of things which "*concern, or savour of, the reality, such, e.g.,*

as wardship in chivalry, presentation to a church—things which issue out of, but are not, real estate ; (2) Chattels *personal*, or moveable, as animals, money, garments, etc. “CATALLUM (says Du Cange), idem, quod *capitale*, bona omnia quæ in pecudibus sunt.” And this original sense of “*head* of cattle” is still retained, only the word has split, becoming what is called a “Doublet,” into *cattle*, live-stock, and *chattel*, the legal term for things possessed in ownership. The Latinised *capital* is a third form of the word.

36. *Ostiarius* :—the door-keeper, or Usher of the Pavilion Court.

37. *Claudet seldam suam* :—shall shut up his booth. “Selda” is an old Anglo-Latin word formed straight from the A.S. *Seld*, a seat.

38. *Per amerciamantum punietur* :—shall be punished by fine. Amerciamantum is a law-term peculiar to England and Scotland ; and signifies a money-penalty, answering to the A.S. *Wite*, as in *blod-wite*.

39. *Tolneto* :—toll, another form of Theloneum, see above, Note 19.

40. *Nomine feodi* :—by way of fee. The word is here used in quite the modern sense of “fee.” Feodum, “wealth in Cattle,” fee-od, vieh-od, cattle-goods, became both a “feud,” as in the adjective “feudal,” and a “fee” : (“feud” signifying a quarrel is a secondary use). See also below in the Charter, line 57.

41. *Mercatoribus alienigenis vocatis Dynamitters* :—foreign merchants, styled “Dynamitters.” These foreigners were sellers, we are told, of brazen vessels of all kinds. The word may be connected with *Dinant* near Namur, where there was a great manufacture of *Dinanderie*, i.e., metal-work (chiefly in copper). A friend suggests *Dinant-batteurs* as the origin. *Batteur* was the proper title of these workers in metal. See Commines II, 1, “une marchandise de ces œuvres de cuivre, qu’on appelle *Dinanderie*, qui sont en effet *pots et pesles*.”

42. *Aldermanni et omnes Decenarii* :—Aldermen and all Tything-men. The Aldernan in A.S. times was the elected head-man of a

Hundred, who represented his Hundred in the Shire-moot; and the tything-man was the head-man, or Dean, of his tything, the original Germanic organisation being formed as an arrangement of the tribe into "Hundreds" and "Tens" (whether the Hundred and Ten were households, or representative fighting-men). Besides this earlier Ealdorman, there was a higher officer of the same name, who was the *princeps* of Tacitus, the *subregulus* of Bede, who ruled over one shire or more: he was lost in the Comes of Norman days. The title, however, survived, and still exists in towns. Each Guild had its Alderman; and in time, when the civic organisation took form, we arrive at the system of Mayor, Aldermen, and Common Councillors, which is now universal in England. Towns were divided into Wards, over each of which an Alderman presides. "The *Major* and jurati (Bp. Stubbs, C.H. I, 401) were the framework of the Communa, as the *Alderman* and brethren constituted the guild, and the *reeve* and good-men the magistracy of the township." This threefold distinction is now happily merged in one: and the functions are divided among the different members of the Corporation. Winchester was definitely incorporated by Queen Elizabeth, in a Charter dated 1587. It was not till that time, apparently, that the Aldermen were included among the governing body. The six Wards or "Aldermanries" said "to have prevailed as early as the commencement of the fifteenth century" (Woodward I, p. 276 and Note 2) certainly existed in 1349, as in this passage of our Charter we find "in *Aldermanriis* et decenis suis." See below, Note 44. Bishop Stubbs thinks that the "*decenæ*" in this passage may mean the frankpledges with their headman.

43. *Ad quemlibet clamorem et hutesium levatum*.—to whatsoever *hue and cry*. This was the way of expressing the process by which the ordinary citizen called for the help of the civil arm on the commission of a felony. "A hue and cry," says Blackstone (Kerr's B. IV, 346), "is the old common law process of pursuing, with horn and with voice, all felons, and such as have dangerously wounded another" (which answers to the "*sanguinis effusionem*" of our Charter). The hue and cry might be begun by the people, but it had to be carried on to arrest of the felon by the proper authorities. "Hue and cry" properly raised

dispensed with the necessity for a justice's warrant. The word *hutesium* or *huesium* is said to have come either from the cry, "Hu! Hu!" or from a Frankish form, "Hutz, Hutz!" signifying "Out, Out." The English word "*hue*," in this sense, is only used in connexion with "cry."

44. *In Aldermanriis suis*:—in their wards. I find this word in Du Cange as "Præpositura, præfectura castri vel villæ," of such places as were under Monasteries, as early as the year 1278, "concessit et dimissit cuidam magistro Nicolao Doge *Aldermanniam* de Westgate." Will. Thorn. in Chr. A. 1278.

45. *Weyf et Stray*:—"Waifs, *bona waviata*, are goods stolen and waived or thrown away by the thief in his flight" (Kerr's Blackstone, 1, 292). These fall to the Crown, if seized for its use; but if the party robbed can seize them first, the Crown has no claim. The word, however, was not originally limited, as in law, to stolen goods; it included all things derelict and not claimed by anyone. Hence our "waiving an argument"—we leave it alone, do not set it up. It is used also of cattle, of sheep that have wandered, and are in no man's charge. The word is Scandinavian, having come in with the strong legal tastes of that race, Icel. *veif*, anything moving, vibrating; *veifa*, to vibrate, wave about. *Strays* or *estrays* are "such valuable animals as are found wandering in any manor or lordship, and no man knows the owner of them": after certain formalities, and lapse of time and use of the "pound," strays belong to the Crown, "though most commonly (Blackstone adds) to the lord of the manor by special grant from the Crown." *Fera naturæ* cannot be claimed as strays, nor animals of no value in the eyes of the law, as dogs or cats; and swans only among birds have this honour, whence they are said to be "royal fowls."—Kerr's Blackstone, 1, 292, 293.

46. *Tronagium vel pesagium*:—Weigh-money. "Tronagium" is the fee demanded for the weighing of wool, at the "tronum lanæ" (see above, note 16). *Pesagium* (=pesadura) is the Fr. *poisage*, a similar fee for any kind of weighing of goods.

47. *Inter Adomarum quondam Wyntoniensem Electum*:--between Aymer, formerly Bishop-elect of Winchester. This was Aymer or Ethelmar of Lesignan (1249—1260). He was half-brother to Henry III. His "election" was a curious scene! On the death of the well-known Peter des Roches, "de Rupibus," in 1238, a violent conflict broke out between Henry III and the Monks of St. Swithun, in which the Churchmen have all our sympathy. Henry was determined to have William of Valence (a "man of blood" says the Chronicler Mathew Paris) as Bishop: the Monks refused to elect him, and chose first William of Raley, Bishop of Norwich, and next Ralph Nevil, Bishop of Chichester, to the see; but the King, though both these men had been his ministers and favourites, got the Pope to refuse to ratify the translation. Even though William of Valence had died, the King still opposed the freedom of choice claimed by the Monks, and when they re-elected Bishop William of Raley, who in 1243 obtained the papal ratification for his translation from Norwich, Henry had all the gates shut against him; and the struggle lasted for a year. In 1250 Bishop William died at Tours; and Henry having got early notice of the fact, sent down two of his chaplains in hot haste to the Cathedral to stop proceedings, himself following fast on their footsteps. He called together the Monks in the Chapter-house, and there preached to them, taking as the text of his sermon the words "Justice and peace have kissed each other." In this discourse, preserved to us by Matthew Paris, he endeavoured by threats and promises to compel the Monks to elect his half-brother Adomar, or Aymer, as their Bishop: a man of no fitness or rather of every unfitness for the sacred office. With "assenting voice, rebelling hearts," the poor Monks, feeling themselves powerless, elected this unworthy stranger, who fully justified their repugnance, and, with the insolence of youth, treated them shamefully. William of Taunton, the Prior, whom the Bishop ejected, laid his case before the Pope, and received back from him his insignia of office, with full and honourable reinstatement; and Aymer with his two brothers, being regarded by the English nobles as among the most intolerable of the foreign favourites of the weak King, were driven abroad. Aymer, all this time, had deferred his

consecration, probably at the command of the Pope; and so is rightly styled "Wyntoniensem Electum"; for he was such till he went to Rome in 1260, and was favoured by the then Pope Alexander IV, who consecrated him Bishop of Winchester. As he was moving towards England, at the end of the same year, he died at Paris, and was buried in St. Geneviève. His heart was sent over to Winchester—no prelate's heart was ever less with the place in his life-time—and rests in the Cathedral to this day.

48. *Ad pontem de Stokbrigge . . . Alreford*.—These were guards at all the approaches of the seven-league circuit, some within, others without; they had to take tolls and customs from all merchants coming to the Fair, and to protect them from robbery and violence. *Stockbridge* was a bridge over the Test, a little over eight miles from Winchester, as you go towards Salisbury; *Romsey*, another bridge over the same river, lower down, ten miles off; *Redbridge*, still lower down the same river, where it joins the Southampton Water, twelve miles away; *Crab Wood* is close to Winchester, and the station here must have been intended to command the Roman road to Old Sarum (a road still used) at a point where the woodland gave plentiful shelter to robbers; *Hursley*, five miles off, is on the main road to Romsey, at the point of its junction with a road to Southampton; *Mamesbrigge* is still the name of a Hundred near Southampton, about twelve miles off, including in it Millbrook and the Stonehams, or it may be, and probably was, a bridge over the *Meon*, not far from Swathling. In King Athelstan's Charter of 932 this is styled *Mannysbrygge*, also "*Mainsbrygge*," or bridge over the Meon. The guards had to be thick on this side because of the great importance of the trade from the West of England, and of the sea-traffic. *Oterbourne* is about four miles and a half away, on the direct Southampton road, the ancient Roman way to Clausentum (Bitterne); *Kingbridge* is probably a bridge over the Test, now called Kimbridge. *Curbridge* is Curdridge, near Botley, on the Hamble; and lastly *Alreford* is Old Alresford, between seven and eight miles off, a little to the North of East. It is singular that there should apparently have been no pickets or stations throughout the circumference almost from West to East, while the posts were multiplied in the South and

South-west: The Charter, however, says there were stations also "ad plura alia loca." The income arising to the Bishop from the Fair was so considerable that he could well afford all these expenses. In the 24th and 25th of Henry III, Bishop William of Raley is credited with this item,—“Foyra—De exitibus foyre Sci. Egidii Wyntton, per idem tempus, cclxxvij*li*. xiiij*s*. iij*d*. *qr.*,” which represents a large sum of money.

49. *Pakella sua* :—the little packs of the pedlars in small wares. Du Cange, who recognises *paccus*, a pack, is not aware of this diminutive. The word has a French diminutive of another form, *paquet*, whence our *packet* or *pacquet*. The origin is Celtic, and it is one of the few British words which have survived; Gaelic, *pac*, a pack, a close-pressed company or mob, as in “a *pack* of thieves.”

50. *Forisceforcia* :—“*frisca forcia*,” “fresh force,” or violent disseisin in towns and cities; see Du Cange, s.v. *fortia*: it is like “*novel disseisin*” in case of land.

51. *Curia Baronum* :—Court-Baron. “The *Court-baron*,” says Blackstone (Kerr’s B. III, 34) “is a court incident to every manor in the kingdom, to be holden by the steward within the said manor.” It was composed of the lord’s tenants, held anciently once in three weeks; settled matters of domestic justice, and disposed of all controversies as to the right of lands within the manor.

52. *Senescallus Hospicii nostri* :—the Seneschal of our Household. As the *marshal* was the *horse-servant*, so the *Seneschal* means the *senior-servant*: he was one of the chief persons in a royal household. In England the Seneschal was understood to have important judicial duties, and to have held assizes for the King. See Note 53.

53. *Infra virgam* :—within our virge or verge. This was specially the district under the care of the Seneschal of the Household of the English King; and takes its name from the *baton* granted to that officer in sign of his jurisdiction. This *Virga* moved with the King, and had a circumference of which the centre was the King’s person, from which light and influence were supposed to radiate for a distance of twelve leucæ, or about eighteen miles. Fleta says “*Dicitur virga, quæ sequitur*

Regem ubicumque fuerit in Anglia, spatium continens 12 leucas": it was usually styled the "Virgata regia." Our modern sense of *verge*, as limit, comes no doubt from the edge or circumference of this jurisdiction.

54. *Assisam panis vini et cervisie*:—the assize of bread, wine, and beer. The Low Latin *assisa* was used to signify the just quantity or allowance of an article. This kind of Assise is styled "assisa (or assisia) rerum venalium"; and took its name from the fact that at the period of Assise or Court-sitting the Bailiffs and Justiciaries had to define the quality, quantity, weight, measure, and price of articles to be exposed for sale; it may have also owed its name to the testing and trying of the weights and measures of the traders. A man was said to commit the offence of *breaking* the assise, if he adulterated his goods, sold bad or stale things, used false weights, etc. A baker who did this with his bread had to stand in the Pillory (see our Charter line 55) and a brewer was sentenced to the dung-cart.

55. *In Gilda Mercatoria*:—the Merchant Guild was a very important body, who were in full life when its first Charter was granted to Winchester in the earlier part of the reign of Henry II (between 1158 and 1162). In this the King says "Præcipio quod cives mei Wintonienses *de gilda mercatorum* cum omnibus rebus suis sint quieti de omni thelonio passagio et consuetudine." Richard I widely extended the privileges of this Guild, and protected its members from all actions without the city walls.

56. *Assaiare*:—to assay or test; from late Greek *ἐξάγιον*, a weight: used of assay of money (in which sense the word is still employed), also of wine and beer.

57. *A selariis*:—from their cellars; a mis-spelling of *cellariis*.

58. *Corvesarii*:—cobblers, who work in leather, "qui *coreo veteri* utuntur," says Du Cange s. v. Cp. the O. Fr. *courvoisier*.

59. *Judicium Pillorii*:—the sentence of Pillory: for the similar penalty for the "breaking of assise" in the case of beer the dung-cart

was the penalty. The word is of unknown origin: it has several forms, *Spilorium*, *Pillaurium*. The most plausible conjecture is that it is connected with *pila*, *pillar*, etc., from the post to which the culprit's neck was fastened; the dropped *s* however seems to point to some quite different parentage for the word. The actual punishment was **very** severe. An upright pole was fastened into a stage a little above the ground, with a cross-bar near the top. At the top there was a hoop of iron, large enough when screwed together to go comfortably round the prisoner's neck: his arms were tied over the cross-bar. Thus unable to protect himself, he was placed in the square or market-place to face the jeers and mud and rotten eggs of the crowd; his offence being duly described and set forth on the machine.

60. *Custuma*:—a late and corrupt form of *consuetudinem*.

61. *Carectata busca*:—a cart-load of firewood: *carecta*, *carrecta*, (a form of *carrus*, *carra*), was a two-wheeled cart. With it are the Fr. *charrette*, and our *chariot* (in a very different sense). Du Cange, sv. *busta*, quotes the *Monasticon* Angl. i, 473. "Ex dono Alexandri . . . unam *carectatam bustæ* singulis septimanis," and explains that the word is the same as L. Lat. *busca*, roots for firewood; and this, with L. L. *boscus*, Fr. *bois*, Engl. *bush*, comes probably from a Germanic root of which the modern form is *Bosch*.

62. *De quolibet summagio bladi*:—for every load (carried on a horse) of wheat: *Summagium* (*summa*), a load or burden, then a measure, a bushel, is from the Gr. *σάγμα*, through a supposed *σαγματικόν*. The word has an immense number of forms, occupying in Du Cange nearly five folio pages. The form *summagium* is more generally employed in medieval writers of certain feudal duties or services, to be executed by carrying the lord's property out on horseback, which process was styled *summage*: "vavassouries qui sont tenues par *Sommege*, et par *summege* de cheval"; the word remains in French in the phrase "*bête de somme*" and *summer*, a pack-horse; cp. our *Sumpter*-mule.

Bladum is a late Latin word formed from Lat. *ablatum*, and from it come our *blade* (of corn, and then, by metaphor, of a knife) and the Fr. *blé*, we taking it for the growing green leaf, and they (in the more proper sense) for the ripened grain. For *ablatum* is what has been gathered in and carried off, the garnered grain.

63. *Trusso*.:—a truss. The word is perhaps taken, by metathesis, for *torsum*, from *torquere* (there may be a low Lat. *tortiare*, whence Fr. *trousser*). The idea of it is a bundle of hay or straw twisted up with a hay-band.

64. *Stallo panis in summo vico*.:—a bread-stall in the head of the street. This seems to have been up by the West-gate. *Stallum* is a contracted form of *stabulum*; so that we have here an English “doublet” in *stall* and *stable*.

65. *Pro feudo Pesarii*.:—for the weigher’s fee. For *feudum* see above, Note 40. The “pesarius,” “poiser,” is for “pensarius,” from *pesare*, *pensare*, to weigh. The fee paid was called “pesagium” (see Note 46) from a supposed “pensaticum.” I do not find the name of this officer recorded anywhere.

66. *Una bala cujuslibet avoir de poys*.:—A bale of dry goods. *Bala*, or *balla*, is a bale or ball of goods wrapped up. The French word is *ballot*, a diminutive. The origin of it is Germanic, O. H. G. *balla*. *Avoir de poys* is a term of French commerce, afterwards applied in English trade to the “pound Avoir de poys” or pound of sixteen ounces, used for weighing dry goods. We find the word in Joinville’s *St. Louis* (ch. xl), where he describes what those on the Upper Nile can fish out of the river with a net, “getent leur royz desliées parmi le flum, au soir; et, quant ce vient au matin, si treuvent en leur royz cel avoir de poiz que l’en aporte en ceste terre, c’est à savoir gingimbre, rubarbe, etc.,” meaning “they find in their nets that kind of ‘goods of weight.’” There is also a medieval form of it, “averium ponderis,” interpreted by Du Cange as meaning all wares which are sold by the “pondus” or pound or by the scale-weight; thence it came to mean, as in our Charter, spices, etc., as distinguished from mercery, etc.

67. *Pecia* :—a piece, a word of uncertain origin, probably Celtic Gael, *pet.*, or portion.

68. *De ponderante seu ponderatore* :—It is not certain what is here meant. It probably signifies “a person who deals in such goods as are sold by weight, a general dealer.” Or it may be only another term for the “Pesarius,” the weigher.

69. *De claiis ductis per summagium* :—For hurdles brought in as a load. *Claia* is a later form of the Late Latin *cleda*, or *clida*, a word of Celtic origin, Ir. *cliath*, a hurdle. For *summagium*, see above, Note 62.

70. *Tapenario* :—“A worker in, or seller of, tapestry or table-cloths” seems to be the meaning of this word, which is not in DuCange. *Tapinum* is found in one passage, “Mercatores Remenses qui vendunt telas et *tapina* debent in nundinis pro qualibet, quæ fuerit aperta cotidie, unum denarium.” So that this Winchester “tapenarius” was less heavily taxed than the Merchants of Rheims.

71. *Tannatore* :—a tanner. A Celtic word in origin, from Bret. *tann*, an oak, and also tan ; whence French *tan*, the bark of a young oak, wherewith leather is tanned.

72. *Mercatores . . . honoris Walyngford* :—Why should the Honour of Wallingford be excepted in this specially select company of the men of London and Winchester? This Honour is frequently mentioned by name in documents of the highest value—thus we find it treated in an exceptional way in the Assise of Clarendon (9 and 11), as retaining its own corporate existence, much as if it had been a separate Shire ; it being an escheat in the King's hand. Wallingford was an ancient border-town, and place of passage over the Thames. We find, too, that in 1144 when Brian Fitz-Count, Lord of Wallingford, maintained the castle there, (one of the strongest of the places holding for the Empress Maud,) and sent out from thence numerous parties to forage and plunder, Henry of Blois enjoined him not to molest any who were

coming to his Fair at Winchester, under pain of excommunication. (MSS. Dodsworth, Vol. 89, f. 76, Bibl. Bodl.) This shows that in King Stephen's time there was a frequent and recognised passage of merchants and others by way of Wallingford.

73. *Johanni nuper Episcopo Wyntoniensi*.—This will be John Stratford, who became Bishop of Winchester in 1323, and was translated to Canterbury in 1333. He was not the immediate predecessor of Edyngton, as Adam Orleton was Bishop between them.

74. *J. Menevensi Episcopo*.—This is John Thoresby, who was consecrated to the see of St. David's in 1347, afterwards translated to Worcester (1350) and York (1352); he was at this time High Chancellor of England.

75. *R. London*.—Ralph Stratford, consecrated in 1340.

76. *T. Dunelmensi*.—Thomas Hatfield, consecrated in 1345.

77. *Willelmo de Bohun Northamptoniæ et Willelmo de Clynton Huntingdoniæ comitibus*.—William of Bohun, Earl of Northampton, was a man of note in the reign of Edward III. He was one of the Lords who prosecuted Mortimer; he commanded the second line of battle at Crécy, and died in 1360.

William of Clynton, as Dugdale says, "one of the chiefest worthies of that age," was summoned to Parliament early in the reign of Edward III, and was made Lord Admiral of the seas in the 7th of Edward III, from the Thames westward; he was also engaged in the Scottish wars. In the 11th of Edward III he was created Earl of Huntingdon; his titles died with him in 1354.

78.—*Radulfo Barone de Stafford*.—Ralph, Lord Stafford, was made Earl of Stafford in 1351, and died in 1372.

79. *Johanne de Grey de Rotherfeld*.—he made proof of his age in 1321, and had livery of his father's lands. We find him in the retinue of William of Clynton in the French wars of Edward III; he died in 1359.

DA 670 .H2 .A3 v.6 pt.1-2 C.1
A charter of Edward the Third
Stanford University Libraries



3 6105 035 875 710

670
H2A3
V. 6
PT. 1-2

STANFORD UNIVERSITY LIBRARIES
CECIL H. GREEN LIBRARY
STANFORD, CALIFORNIA 94305-6004
(415) 723-1493

All books may be recalled after 7 days

DATE DUE

APR 04 2000 -166

JUN 20 2000

STANFORD UNIVERSITY LIBRARIES
STANFORD, CALIFORNIA

